The motion was agreed to; and (at 4 o'clock and 55 minutes p. m.) the Senate took a recess until tomorrow, Thursday, September 12, 1940, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 11 (legislative day of August 5), 1940

FARM CREDIT ADMINISTRATION

William E. Rhea to be Land Bank Commissioner in the Farm Credit Administration.

COAST AND GEODETIC SURVEY

TO BE AIDES (WITH RELATIVE RANK OF ENSIGN IN THE NAVY)

Don Arden Jones
David Mullendore Whipp
Francis Xavier Popper
Harry Day Reed, Jr.

POSTMASTERS

MISSISSIPPI

Robert Donald Sharp, Grenada.

MONTANA

Grace J. Senef, Denton.
Leo R. Spogen, Red Lodge.
James E. Babbitt, Victor.

HOUSE OF REPRESENTATIVES

WEDNESDAY, SEPTEMBER 11, 1940

The House met at 12 o'clock noon and was called to order by Mr. RAYBURN, who directed the Clerk to read the following communication:

The Clerk read as follows:

THE SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,
Washington, D. C., September 11, 1940.

I hereby designate Honorable SAM RAYBURN to act as Speaker pro tempore today.

W. B. BANKHEAD, *Speaker.*

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Heavenly Father, we thank Thee for the divinity of which we are conscious in our own breasts; may it ever be a supreme satisfaction to express it. As we wait upon Thee, give hush to every other voice and stir our minds with spiritual aspiration. Enrich these passing hours with service for our country that shall be supremely helpful and wise. Diligent and faithful, patient and helpful in our labors, may we know and understand that nothing finally wrong can endure. We pray Thee, blessed Lord, that the citizens of our fair land may always be persuaded that a high, splendid national life finds its noblest spring of excellence in that divine impulse to trust God and believe in the righteous destiny of man. Be with us this day, reminding us that in all we do and say Thou art nigh. O Love Divine that stoops to bless and dry the saddest tear, may our beloved Speaker rest in Thine arms, finding peace, rest, and restored strength. In the name of names, Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H. J. Res. 602. Joint resolution to authorize Jesse H. Jones, Federal Loan Administrator, to be appointed to, and to perform the duties of, the office of Secretary of Commerce.

SPEAKER WILLIAM B. BANKHEAD

Mr. HOBBS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. HOBBS. Mr. Speaker, it is a real pleasure at times, where sentiments of the kind are naturally and spontaneously called forth, to pay a heartfelt and deserved tribute to a great character. One of the finest men who ever stood in shoe leather, in the opinion of every Member of this House, regardless of his politics, is our beloved Speaker.

Several years ago he had a heart attack. That old pump is as good today as it ever was. A heroic fight he made, and he won.

Last year the flu overtook him. He met and whipped that and became perfectly well.

Now the fates have brought him an attack of sciatica, and he is going to whip that and completely recover. [Applause.]

He is as tough as a lightwood knot or whitleather, and we glory in his physical stamina. But that is not the point I wish to make. Last night he gave an illustration of one of his characteristics which make him so beloved.

In spite of the excruciating agony of an acute attack of sciatica, he tried to the limit of human endurance to fill an engagement to make a speech. It was not to have been a speech for self, nor because of any official duty, but for his party. He had an engagement, and he tried to fill it. He went on until he dropped. That is BILL BANKHEAD, the man we love; and we want to convey to him in this public way our appreciation of that fighting spirit, that will, with the skill of his doctors and divine blessing, bring him back speedily to his place and work among us. [Applause.]

Mr. MARTIN of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. HOBBS. I am so delighted to yield to the distinguished gentleman from Massachusetts, another man of the same ilk. [Applause.]

Mr. MARTIN of Massachusetts. The gentleman from Alabama knows that every Member on the minority side of the House feels just as sad as he over the fact that our Speaker was stricken yesterday. Everyone hopes for an early convalescence, because we appreciate the fact that he is one of the finest gentlemen and one of the greatest Speakers the House has ever had. [Applause.]

Mr. HOBBS. I thank the gentleman very much.

Mr. COLE of Maryland. Mr. Speaker, will the gentleman yield?

Mr. HOBBS. I shall be so delighted to yield to the distinguished gentleman from Maryland.

Mr. COLE of Maryland. Mr. Speaker, it was my privilege to accompany the Speaker from Washington to Baltimore yesterday afternoon and to be with him and Mrs. Bankhead at the time he was stricken. I was with him considerably until close to midnight and have just come from his suite at the Emerson Hotel in Baltimore, where his devoted wife and two attractive daughters are with him.

He is much improved this morning.

Everything the distinguished gentleman has said about our great Speaker is true. I wish I could portray to the House and the country the fighting spirit, marvelous courage, and loyalty he demonstrated last night in trying to fulfill the engagement he had made, as I witnessed while with him yesterday afternoon and last night. [Applause.]

PERMISSION TO ADDRESS THE HOUSE

Mr. HILL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. HILL. Mr. Speaker, I wish to read a news item from the Daily News of yesterday:

> The Bar Association last night overwhelmingly approved a committee report urging preservation of civil rights and denouncing the House-approved and Senate-pending measure to deport C. I. O. leader Harry Bridges.

To me that is a clear vindication of those few of us who had the courage of our convictions to vote against a popular measure. At the time it was under consideration we felt it was an unconstitutional and un-American thing to pass this bill. It seems to me that this rather conservative American Bar Association has approved our contention that the proper way

to attain this object is to do it in a legal and constitutional way which can be done after a full hearing now under the bill that was passed 2 days later and for which we voted, the Smith bill.

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. CROWE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a short newspaper clipping.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. DITTER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an address delivered at the thirty-fifth annual convention of the Pennsylvania Electrical Association last week by myself.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. JENKINS of Ohio. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. JENKINS of Ohio. Mr. Speaker, I have prepared what would be, if prepared by somebody else, a real speech, and I have assigned it a real subject. The subject is The Two Conventions, the Two Platforms and the Two Candidates. With that kind of a subject anyone ought to be able to make a good speech.

Mr. Speaker, I ask unanimous consent to have my speech printed in the Appendix of the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio [Mr. JENKINS]?

There was no objection.

EXTENSION OF REMARKS

Mr. VAN ZANDT. Mr. Speaker, I ask unanimous consent to insert in the Appendix of the RECORD a resolution adopted by the national convention of the Veterans of Foreign Wars, at Los Angeles, Calif.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania [Mr. VAN ZANDT]?

There was no objection.

Mr. VAN ZANDT. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD concerning the transfer of military equipment to the Allies.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania [Mr. VAN ZANDT]?

There was no objection.

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include two articles by Dr. George Mecklenburg.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota [Mr. ALEXANDER]?

There was no objection.

R. O. T. C. IN COLLEGES

Mr. RICH. Mr. Speaker, I ask unanimous consent to proceed for 1 minute, and to revise and extend my own remarks in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania [Mr. RICH]?

There was no objection.

Mr. RICH. Mr. Speaker, it seems we are going to have conscription. I voted against that bill, and I am glad I did, for we should have offered $35 to $40 per month for 1-year enlistments, and we would have had more volunteers than we need, but it seems to me if we are going to train our boys in this country for military service, we can do no one thing that will be to the greater advantage of the American people than to establish more R. O. T. C.'s in colleges. It will not cost one-tenth as much for training men as it will by conscription and it will not be so liable to make us a militaristic nation.

There are some 350 schools that have made application for these units. Let the Government establish them. These students can be trained for $25 a year each. To establish 1 of these units in a school will require 1 or 2 officers, depending on the number of students involved. If there are only 400, 2 officers will be sufficient and it will not require over $10,000 for 1 of these units. Just multiply that by 350 schools and you will see what an economical thing it will be for the country and how advantageous it will be. To establish a unit in a college of 100 students only requires 1 officer and when we can uniform and train them for military service in colleges and when we have 350 colleges that have applied for R. O. T. C. units, why in the name of common sense do we not train college boys at $25 to $30 each per annum? To train men by conscription and in Army camps will cost from $1,000 to $1,500 each. You have to furnish housing and pay the men, while in colleges you do not pay salaries and you do not house the boys. It is the part of common sense since we have almost a bankrupt Treasury. Let the Government establish these additional R. O. T. C. units in all colleges that have requested them.

[Here the gavel fell.]

EXTENSIONS OF REMARKS IN RECORD

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri [Mr. COCHRAN]?

There was no objection.

Mr. COCHRAN. Mr. Speaker, yesterday I objected to an extension of remarks by the gentleman from Montana [Mr. THORKELSON]. I did so for the moment because of the fact that it was over the limit provided by the rule of the Joint Committee on Printing. The gentleman had five separate extensions in this morning's RECORD. He was within the permission granted by the House.

Mr. Speaker, I am informed that yesterday it was necessary to advise the index clerk of the CONGRESSIONAL RECORD to start on the fifth volume of the Appendix. Never before, and Congress has been in session since I have been here for 11 months in 1 year, have we had more than two volumes of the Appendix. Everything is going into the CONGRESSIONAL RECORD. It has got to be a joke. It is no more my duty than the duty of any other Member of the House to object to extensions of remarks.

It is my understanding that the Joint Committee on Printing can issue a rule, and that no action is required by the House or Senate, that will provide that nothing except what occurs on the floor of the House and Senate may be printed in the RECORD, and the sooner that is done the sooner the people of this country will respect the RECORD more than they do today.

I am further advised that when Congress convenes in January, if the RECORD is to be printed, then it is going to be necessary to make a supplemental appropriation as the amount allocated for this purpose will be practically exhausted.

I appeal to the Joint Committee on Printing to take action immediately. I am confident if they do that they will receive the thanks of a great majority of the Members of both Houses of Congress. [Applause.]

PERMISSION TO ADDRESS THE HOUSE

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute and to revise and extend my own remarks in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan [Mr. HOFFMAN]?

There was no objection.

Mr. HOFFMAN. Mr. Speaker, recently the House had before it the Hatch so-called clean-politics bill, to amend and strengthen the present Corrupt Practices Act.

The law prohibits the making of contributions by corporations to political parties. It was amended so as to prevent

the making of a contribution of more than $5,000 by any one individual or corporation.

Having in mind the fact that, during a recent campaign, certain labor organizations had contributed more than $700,000 to the New Deal campaign fund and that, thereafter, and undoubtedly relying upon some of those contributions, John L. Lewis undertook to demand special consideration from the White House, an amendment was offered by me to bring labor organizations, so far as the making of political contributions was concerned, within the same limits as are imposed upon individuals and corporations.

If the making of political contributions by corporations and by individuals in an amount in excess of $5,000 tends to corrupt the voters, has an undue influence on our elections, how can it be said that a similar contribution by labor organizations, which are always interested in national legislation, does not have a like effect?

Of course, there is no difference, insofar as clean politics or political corruption is concerned, whether a political contribution comes from one source or another, when such source is interested in legislation. A dirty dollar is a dirty dollar, whether given by a religious organization, an industrial corporation, or a labor union, and every Member on the floor knows that fact. Yet the amendment offered by me was not adopted.

Yesterday, the press contained the announcement that Daniel J. Tobin, president of the teamsters union, stated that, should the President's speech turn out to be political, his organization would contribute $20,000 to pay the broadcasting companies for the time to be used by Mr. Roosevelt today.

I call upon the Attorney General of the United States, not to give us an opinion as to whether such contribution is legal or illegal—for, he told us before on similar occasions that he is the adviser only of the President—but to invoke the provisions of the Hatch Act, if such contribution is made.

Let us play no favorites. The administration has enough of an advantage through its Cabinet officers, the use of relief funds, its propaganda machines and in other ways, without permitting it to take advantage of a violation of either the spirit or the letter of the law.

What about it, Mr. Attorney General? Does the fact that such organizations have contributed hundreds of thousands of dollars to the New Deal campaign fund, while they give practically nothing at all to the Republican organization, make them immune?

[Here the gavel fell.]

MAKING UNLAWFUL THE TRANSPORTATION OF CONVICT-MADE GOODS IN INTERSTATE COMMERCE

Mr. SUMNERS of Texas. Mr. Speaker, I call up the conference report on the bill S. 3550, to make unlawful the transportation of convict-made goods in interstate commerce and foreign commerce, and I ask unanimous consent that the statement may be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas [Mr. SUMNERS]?

Mr. CASE of South Dakota. Mr. Speaker, reserving the right to object, will the gentleman state why the conferees agreed to eliminate the exemption for binder twine?

Mr. SUMNERS of Texas. Will not the gentleman permit the matter to be called up first?

Mr. RICH. Mr. Speaker, reserving the right to object, what is the bill?

The SPEAKER pro tempore. The Clerk has read the title of the bill. Is there objection to the request of the gentleman from Texas [Mr. SUMNERS]?

Mr. CASE of South Dakota. Mr. Speaker, reserving the right to object, I did not hear the answer of the gentleman from Texas.

Mr. SUMNERS of Texas. The gentleman did not make any answer. I am asking that the matter be called up first and that the statement of the managers on the part of the House be read in lieu of the conference report. Then if the gentleman wants any explanation, the chairman of the committee will explain it or some other gentleman, and if the gentleman from South Dakota desires some time we will see that he gets it.

Mr. CASE of South Dakota. All I want to do is to preserve the surety that we will have an explanation on that point and an opportunity to discuss it.

The SPEAKER pro tempore. The request is that the statement be read in lieu of the report. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the statement of the managers on the part of the House.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3550) to make unlawful the transportation of convict-made goods in interstate and foreign commerce, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment, insert the following:

"That whoever shall knowingly transport or knowingly cause to be transported in interstate commerce, in any manner or by any means whatsoever, or aid or assist, knowingly, in obtaining transportation for or in transporting any goods, wares, and merchandise manufactured, produced, or mined, wholly or in part by convicts or prisoners (except convicts or prisoners on parole or probation) or in any penal or reformatory institution, from one State, Territory, Puerto Rico, Virgin Islands, or District of the United States, or place noncontiguous but subject to the jurisdiction thereof, or from any foreign country, into any State, Territory, Puerto Rico, Virgin Islands, or District of the United States, or place noncontiguous but subject to the jurisdiction thereof, shall be punished by a fine of not more than $1,000 or by imprisonment of not more than one year, or both: *Provided*, That nothing herein shall apply to commodities manufactured in Federal or District of Columbia penal and correctional institutions for use by the Federal Government or to commodities manufactured in any State penal or correctional institution for use by any other State, or States, or political subdivisions thereof; to parts for the repair of farm machinery; or to agricultural commodities: *Provided further*, That this Act shall go into effect one year after its approval by the President."

And the House agree to the same.

Amend the title so as to read: "An Act to make unlawful the transportation of convict-made goods in interstate commerce, and for other purposes."

And the House agree to the same.

HATTON W. SUMNERS,
DAVE E. SATTERFIELD, Jr.,
C. E. HANCOCK,
Managers on the part of the House.
PAT MCCARRAN,
M. M. NEELY,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes on the House amendment to the bill (S. 3550), to make unlawful the transportation of convict-made goods in interstate and foreign commerce, submit the following statement, explaining matters agreed upon by the conference committee and recommended in the accompanying conference report.

The House passed the Senate bill after amending it by striking out all after the enacting clause and inserting its own provisions. The Senate disagreed to the House amendment and requested the conference, to which the House agreed.

The conference report recommends that the Senate recede from its disagreement to the House amendment and agree to the same with an amendment, the amendment being to insert in lieu of the matter proposed to be inserted by the House amendment, the matter agreed to by the conferees; and the House agree to the same.

The House amendment and the conference agreement with the exceptions herein mentioned, are substantially the same and accomplish the general purposes of the Senate bill.

The conference agreement contains clarifying language to make the bill inapplicable to District of Columbia penal and correctional institutions manufacturing commodities for the use of the Federal Government. The conference agreement retains the language of the House amendment which omitted the words "or foreign" before the word "commerce."

The House amendment provided exemption for farm machinery and binder twine, which were not exempted in the Senate bill. The conference agreement eliminates such exemptions.

The conference agreement also amends the title, omitting the words "or foreign," so that it will conform to the language of the bill.

HATTON W. SUMNERS,
DAVE E. SATTERFIELD, Jr.,
C. E. HANCOCK,
Managers on the part of the House.

Mr. SCHAFER of Wisconsin. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. The Chair desires to state that the time that is being consumed now is coming out of the hour.

Mr. SUMNERS of Texas. Under those circumstances, I cannot yield, Mr. Speaker.

CALL OF THE HOUSE

Mr. SCHAFER of Wisconsin. Mr. Speaker, I make the point of order that a quorum is not present.

Mr. MICHENER. Will not the gentleman withhold the point of order?

Mr. SCHAFER of Wisconsin. I withhold it, Mr. Speaker, but I want to ask one question to expedite action on this conference report.

Mr. McKEOUGH. Mr. Speaker, I make the point of order that a quorum is not present.

Mr. MICHENER. Will not the gentleman withhold his point of order?

Mr. McKEOUGH. I want a quorum here. This is a very important bill, and I want the Members here.

The SPEAKER pro tempore. The gentleman from Illinois makes the point of order that a quorum is not present. Evidently a quorum is not present.

Mr. COOPER. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 215]

Allen, Pa.	Evans	Lesinski	Rockefeller
Arnold	Fay	McDowell	Routzohn
Barry	Fernandez	McGranery	Sack
Barton, N. Y.	Fish	McLeod	Sandager
Bender	Fitzpatrick	Maas	Schaefer, Ill.
Blackney	Flaherty	Maloney	Schwert
Bolton	Folger	Marcantonio	Seccombe
Bradley, Mich.	Ford, Leland M.	Marshall	Shafer, Mich.
Bradley, Pa.	Gavagan	Martin, Ill.	Sheridan
Brewster	Gerlach	Merritt	Smith, Ohio
Buck	Gifford	Mills, La.	Smith, Va.
Buckley, N. Y.	Green	Mitchell	Stearns, N. H.
Byrne, N. Y.	Hall, Edwin A.	Murdock, Ariz.	Sullivan
Chapman	Hall, Leonard W.	Murdock, Utah	Sutphin
Clark	Halleck	Norton	Sweeney
Cole, N. Y.	Harness	O'Brien	Taylor
Collins	Hawks	O'Day	Tenerowicz
Connery	Hendricks	Oliver	Thill
Corbett	Hook	O'Neal	Thomas, N. J.
Darrow	Hope	Osmers	Vinson, Ga.
Delaney	Jarrett	O'Toole	Wadsworth
Dempsey	Jenks, N. H.	Patton	Wallgren
Dies	Johnson, Ind.	Peterson, Ga.	Whelchel
Dingell	Kefauver	Pfeifer	White, Idaho
Dondero	Kennedy, Michael	Plumley	White, Ohio
Douglas	Kilburn	Rabaut	Wigglesworth
Elliott	Kirwan	Ramspeck	Wolcott
Engel	Lemke	Reed, Ill.	

The SPEAKER pro tempore. Three hundred and eighteen Members have answered to their names, a quorum.

On motion of Mr. COOPER, further proceedings under the call were dispensed with.

COMMITTEE ON MILITARY AFFAIRS

Mr. MAY. Mr. Speaker, I ask unanimous consent that the conferees on the conscription bill have until midnight tonight to file a report.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

EXTENSION OF REMARKS

Mr. BULWINKLE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD and include therein a resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. HENNINGS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein two resolutions from the Central Trades and Labor Union of St. Louis.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. LEAVY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a report from the State W. P. A. Administration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. PEARSON asked and was given permission to extend his own remarks in the RECORD.

MAKING UNLAWFUL THE TRANSPORTATION OF CONVICT-MADE GOODS IN INTERSTATE COMMERCE

Mr. SUMNERS of Texas. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts [Mr. HEALEY].

Mr. HEALEY. Mr. Speaker, this conference report deals with Senate bill 3550, which prohibits the interstate shipment of prison-made goods. As the bill passed the Senate it prohibited the shipment in interstate commerce of all prison-made goods excepting parts for the repair of farm machinery and agricultural commodities. The bill as it passed the House—and it passed on the Consent Calendar—exempted farm machinery, farm machinery parts, agricultural commodities, and binder twine. The conferees met and agreed to this conference report which eliminates the House exemptions of farm machinery and binder twine.

Mr. ROBSION of Kentucky. Mr. Speaker, will the gentleman yield?

Mr. HEALEY. I yield to the gentleman from Kentucky.

Mr. ROBSION of Kentucky. Does this strengthen or weaken the so-called Hawes-Cooper Act and the Sumners-Ashurst Act?

Mr. HEALEY. I believe this bill supplements the Hawes-Cooper Act and the Sumners-Ashurst Act. Those acts simply protected the laws of the States. In other words, if a State had a law prohibiting the sale of prison-made goods, the Hawes-Cooper and the Sumners-Ashurst Acts protected that State law by prohibiting the shipment of prison-made goods into that State if the State itself had a statute which prohibited the sale of prison-made goods in open-market competition with free labor.

There are 37 States that prohibit the sale of prison-made goods entirely. There are only 11 that do make it possible to sell prison-made goods. This bill does not prevent the intrastate sale of prison-made goods. It does not prevent the use of prison-made goods by the Federal Government or the States, but it does prevent the interstate shipment of products manufactured in prisons by convicts to compete in the same market with free labor and free enterprise.

You may say, and it will be argued here, that the prisoners must be kept busy, that they must have some employment, but if you must choose between the employment of prisoners and free labor, then I think we ought to decide in favor of free labor. [Applause.]

The binder-twine and farm-machinery industries are important ones. Some of these States are actually making a profit through the use of their convicts in these industries. They are exploiting prison labor to make a profit. Such competition is ruinous to some old industries. In my own State there is the Plymouth Cordage Co. that has been in business for many years. I am informed that the market on binder twine has been taken away from private industry to the extent of about 50 percent.

I submit that you are discriminating if you exempt any products at all. If you are going to permit the manufacture and sale of prison-made twine and prison-made farm machinery and prison-made farm machinery parts or agricultural

commodities, then you ought to permit the sale of prison-made shoes and furniture, or any other product. It is discrimination against these industries to have any exemption at all.

I am opposed to any exemptions. However, this conference report does eliminate the exemptions of farm machinery and binder twine that were contained in the House bill and leaves remaining only exemptions of farm machinery repair parts and agricultural commodities. In all other fields it will eliminate the ruinous competition of convict labor with free labor and legitimate enterprise. I trust the House will agree with the conference report. [Applause.]

[Here the gavel fell.]

Mr. SUMNERS of Texas. Mr. Speaker, I yield 4 minutes to the gentleman from Kansas [Mr. GUYER].

Mr. GUYER of Kansas. Mr. Speaker, I am opposed to this report from the fact that in the State of Kansas we have a binder plant and it is of immense importance to the farmers of Kansas that this plant be maintained. It is not only that, but it is important to the men who are in the prison. Idle men are always a threat and especially when they are confined within stone walls.

Years ago a great corporation had an absolute monopoly upon the twine business in Kansas and they bled millions of dollars out of the farmers of Kansas because of that monopoly. In the administration of Governor Capper, sometime between 1915 and 1919, a law was passed establishing this binder-twine plant, and it was of immense importance in savings to the farmers of Kansas. I think the same thing may be said in regard to all of these institutions in the penitentiaries of the different States.

I think we will not at all disagree upon the fact that we are all opposed to competition of prison labor with free labor. I do not believe there is any competition in Kansas as there are no binder-twine manufacturers in our State. I agree with the American Federation of Labor and the C. I. O. that we do not want any extensive competition of free and prison labor, but the men in these penitentiaries must have something to do. There is nothing that Kansas has for them to do except in the mines part of the time, and if they do not behave they are put in the coal mines, but we cannot use all of them in the coal mines and we have put thousands of dollars into this business of making twine, and it is of vast importance to the farmers of the State of Kansas. We cannot sell all the product in the State of Kansas, so we have been selling it in those States that have not a law against its importation and sale.

Mr. EATON. Mr. Speaker, will the gentleman yield?

Mr. GUYER of Kansas. I wish I could yield, but I have not the time.

In the old days Kansas used to bind most of the wheat. They do not do that any more. Some of you boys came to Kansas, South Dakota, and Nebraska to harvest wheat during the summer vacation of your colleges. The junior Senator from Louisiana told me that he came up there in my own neighborhood and worked during the harvest time, but they do not do that any more. They are combining and they are heading more than they used to do, and that has curtailed the use within the State of this product of the penitentiary. So we want the privilege of selling in the States where they have no law against the selling of prison-made goods within the State.

Mr. PITTENGER. Mr. Speaker, will the gentleman yield?

Mr. GUYER of Kansas. I shall yield first to the gentleman from New Jersey if he has a question.

Mr. EATON. Does the bill, as we are asked to vote on it, permit penal institutions to manufacture farm machinery parts and twine and ship them anywhere they want to in this country?

Mr. GUYER of Kansas. No; it is supposed to prevent that. The gentleman from Minnesota [Mr. AUGUST H. ANDRESEN] will discuss that amendment.

Mr. AUGUST H. ANDRESEN. The transportation of parts of farm machinery is exempt.

[Here the gavel fell.]

Mr. SUMNERS of Texas. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. HANCOCK].

Mr. HANCOCK. Mr. Speaker, this is a far more important bill than the Members of the House seem to realize. It is so important that we ought to have a roll call on it and know just where the Members of the House stand on prison-made goods competing with privately made goods and convicts competing with free labor.

As the gentleman from Massachusetts [Mr. HEALEY] has explained to you, the original bill as it passed the Senate and came to the House was a straight-out prohibition against interstate commerce in prison-made goods. After very little consideration in the House Judiciary Committee an amendment was adopted excepting farm machinery parts and binder twine from the prohibition. In other words, it made interstate commerce in those two articles legal. The bill came to the floor with those two amendments and, as I said, without any hearings on them. If those amendments were considered they were brought up some day when I was not present, but I am sure that no hearings were ever held by the committee. The bill was passed by unanimous consent late one day when there were very few Members on the floor. The only discussion was a little colloquy between the gentleman from Michigan and the gentleman from Alabama [Mr. HOBBS], who was handling the bill. The gentleman from Michigan wished to be assured that those two exceptions were in the bill, and on that assurance he permitted the bill to pass by unanimous consent.

When we came into conference the question was sharply raised as to the advisability of making those two exceptions, farm machinery parts and binder twine, and permitting the free interchange of those articles in the open market in competition with similar goods made by private industry.

Mr. COCHRAN. Will the gentleman yield?

Mr. HANCOCK. I yield.

Mr. COCHRAN. If that exemption stood, is there not danger that every State in the Union would start manufacturing binder twine and farm machinery?

Mr. HANCOCK. It was an invitation to every State to go into those two businesses, entirely destroy the manufacturers making those products, and throw hundreds of employees out of work.

Mr. GWYNNE. Will the gentleman yield?

Mr. HANCOCK. I yield.

Mr. GWYNNE. There are several exceptions in this bill. Do those exceptions repeal the Hawes-Cooper law and the Ashurst-Sumners law as to those excepted goods? That is the question that troubles me.

Mr. HANCOCK. As I understand the Hawes-Cooper bill, it merely gives the different States the right to protect themselves against the importation of prison-made goods. That still stands. The only exception is farm machinery parts, and the reason for that is this. Many prison-made farm machines have been sold to the farmers in the Middle West where this unholy traffic is permitted. We thought it was only reasonable to permit those farmers to be able to buy parts to keep the old machines in working order. That is the only exception.

The only hearing held was in the conference itself, which is a rather unusual proceeding. The gentleman from Minnesota [Mr. AUGUST H. ANDRESEN] appeared and presented the case of Minnesota as forcefully as many man could do it. I regard the gentleman from Minnesota as an extremely well-informed, able, and useful Member of this House. His arguments were impressive. We also had two gentlemen representing private industry and labor, in opposition to the bill. We learned that the prison industry in these two articles is a very substantial part of the entire business of producing farm machinery and binder twine. It is so serious that it has a real effect on the employment of this country. The question is clearly presented as to whether you favor permitting prison-made goods to compete with goods made by free labor, or whether you do not.

Mr. EATON. Will the gentleman yield?

Mr. HANCOCK. I yield.

Mr. EATON. As I read this, it seems as if you have exempted farm machinery and agricultural commodities.

Mr. HANCOCK. Farm machinery parts, and that is only for the purpose of permitting the farmers who now own prison-made farm machines to keep them in repair.

Mr. EATON. What agricultural products will be manufactured in the prisons and shipped in interstate commerce?

Mr. HANCOCK. I cannot answer the gentleman. I raised that question in conference as to why we made that exemption. I got no satisfactory answer except that nobody seems to object to it.

Among the conferees were two or three men from agricultural States. I understood from them that the interstate traffic in agricultural commodities is trifling and unimportant, but interstate commerce in binder twine and farm machinery is substantial. It ought to be stopped. It is inherently and intrinsically bad. [Applause.]

[Here the gavel fell.]

Mr. SUMNERS of Texas. Mr. Speaker, I yield 5 minutes to the gentleman from Alabama [Mr. HOBBS].

Mr. HOBBS. Mr. Speaker, in the stream of our thinking on this subject, inevitably will be encountered the rapids that run between the scylla of competition between convicts and free labor and the charybdis of keeping incarcerated men in utter idleness, which is the height of inhumanity. Therefore, between this scylla and this charybdis we must draw the line somewhere, for none of us is in favor of espousing the cause of either of those rocks.

Personally I refused to sign this conference report because I did not consider that, as a conferee representing the House, I had any right to do so honorably. I am not sitting in judgment upon any other man's conscience, but I know that the contacts I had with fellow Members estopped me from signing. This bill could never have come from our committee except for the Minnesota amendment. I know that it never could have passed this House but for the Minnesota amendment, coming up, as it did, by unanimous consent. I know, or at least I believe I know, there never could have been a rule obtained for its consideration but for the Minnesota amendment. Otherwise I have not the least interest in the Minnesota amendment; but I think that when a bill is reported out of a committee by virtue of that kind of an understanding, when a bill passes the House because of that kind of an understanding, I should stand by the understanding, which I, in handling the bill, permitted. I feel that good faith requires me to go the second mile, if necessary, in trying to protect and retain every amendment we accepted, offered as a committee amendment, and which was adopted by the House.

That is the whole matter as I see it. All of us are as one in desiring to protect free labor and its markets against the competition of prison-made goods.

Mr. MOTT. Mr. Speaker, will the gentleman yield?

Mr. HOBBS. Gladly.

Mr. MOTT. Would this bill prohibit the shipment in interstate commerce of manufactured articles the raw material for which was produced at State prisons; such, for example, as linen made from flax that was processed at a prison?

Mr. HOBBS. My judgment is that when the raw material was processed in a prison, unless the prison itself produced the raw material and traded it in kind with a similar institution in another State it would be within the condemnation of this act and would be denied movement in interstate commerce.

Mr. MOTT. This is a case where the prison processes the flax and sells it to a linen manufacturing company within the State.

Mr. HOBBS. Within the State? That would be intrastate commerce and would not be within the condemnation of this act.

Mr. MOTT. Would not be prohibited?

Mr. HOBBS. That is right.

Mr. WHITTINGTON. Mr. Speaker, will the gentleman yield?

Mr. HOBBS. I shall be pleased to yield to the distinguished gentleman from Mississippi.

Mr. WHITTINGTON. The conference report adopts the substitute bill. In the substitute bill agricultural commodities are eliminated; it does not apply to agricultural commodities.

Mr. HOBBS. That is true.

Mr. WHITTINGTON. Would the bill prohibit the growing and the ginning of cotton?

Mr. HOBBS. I think clearly not. This bill does not apply to any agricultural products.

Mr. WHITTINGTON. Then it would not apply to the growing or ginning of cotton.

Mr. HOBBS. Mr. Speaker, I submit that the statement of facts which I make without passion or prejudice ought to be thought through by the Members of the House. We have a responsibility to maintain our own amendments. There could have been no favorable action by this body without them. Do we not owe our colleagues who gave unanimous consent that the bill be considered solely because of the Minnesota amendment, the retention of that amendment?

Let's vote down this conference report and reconsider this whole matter in January. No time would be lost for the bill provides that it shall become effective 1 year after approval. In January we could eliminate that provision.

Mr. SUMNERS of Texas. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. TABER].

Mr. TABER. Mr. Speaker, about 12 years ago the Hawes-Cooper Act was passed, containing an exception which permitted this binder twine to be produced in prisons and distributed throughout the country. Since that time this is the story: About that time the domestic production in free factories was 240,000,000 pounds. Today it is 88,000,000 pounds. About that time the importations of binder twine were 13,000,000 pounds; today they are 50,000,000 pounds. Prison production at that time was about 250,000,000 pounds. Today it is 55,000,000 pounds. The International Harvester Co., to which some of our friends will refer, produces less than 50 percent of the total of the binder twine, and most of it is made in independent factories. It is a declining industry. The domestic consumption has fallen from 234,000,000 pounds to 190,000,000 pounds in the period to which I have referred.

This bill is designed to finish the job as far as it can be finished. The conference has resulted in a compromise by which the institutions that produce parts for farm machinery are allowed to continue doing so and to distribute them in interstate commerce. Binder twine is cut out. It does not seem as if we ought to go on any longer producing goods in prison factories to compete with goods produced by free labor.

At the time the Hawes-Cooper Act was passed there was a general conference in which the State institutions rather agreed that in 5 years a change would be made and that all of the interstate commerce of prison-made goods would be wiped out. I was very familiar with that situation at the time and was very much interested in it and was one of the promoters of that bill. When the 5 years passed there was a distressed situation in the country and the transportation of prison-made goods has been allowed to go on 7 or 8 years beyond what it was supposed to.

At this time with this compromise it seems to me that farm institutions are being well and very favorably dealt with. The manufacture of binder twine is a declining industry in which the price cannot be especially high anyway, nor can there be any margin because of the increasing imports and the declining demand due to the use of combines in harvesting.

Mr. MOTT. Mr. Speaker, will the gentleman yield?

Mr. TABER. I yield.

Mr. MOTT. As I see it, the compromise in this conference report consists merely of cutting out the exemption on binder twine. It exempts farm commodities.

Mr. TABER. It exempts parts for farm machines. It does not seem right that prison industry should go on increasing their production at the expense of free labor as they have been.

Mr. EATON. Mr. Speaker, will the gentleman yield?

Mr. TABER. I yield.

Mr. EATON. What is included in the words "agricultural commodities"?

Mr. TABER. I think the gentleman from Alabama described that as well probably as it could be: Things that were produced in the prisons themselves. I do not believe it would cover things that were manufactured, that were produced elsewhere than in the prisons.

Mr. EATON. Suppose the prison had a farm, what would be the situation?

Mr. TABER. It would be able to process its own stuff and send it out anywhere.

Mr. GILCHRIST. Mr. Speaker, will the gentleman yield?

Mr. TABER. I yield.

Mr. GILCHRIST. In the case of linen, what the prison produces would not be prohibited by this act?

Mr. TABER. Provided they produced the flax.

Mr. GILCHRIST. Yes; the flax itself, or the cotton itself, would not be prohibited.

Mr. TABER. No.

Mr. Speaker, I hope this conference report will be adopted.

Mr. SUMNERS of Texas. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan [Mr. MICHENER].

Mr. MICHENER. Mr. Speaker, in the beginning, be it thoroughly understood that I am absolutely opposed to the general principle of permitting the sale of convict-made goods in competition with goods manufactured and produced by free labor. I have always entertained these views and during my service in Congress I have acted accordingly.

This bill, referred to in the conference report, is no stranger to Congress. For many years it was introduced session after session. In those days it had the support of organized labor. After a time the States manufacturing certain commodities in their penitentiaries and representatives of organized labor and the manufacturers got together in an effort to solve this vexing problem. The result was an investigation by a special committee of Congress. After that committee reported there was enacted what is commonly known as the Cooper-Hawes law. This law was a compromise, or an agreement, between all of the parties interested. All recognized the problem which confronted the State penal institutions. All wanted to help solve this problem with as little inequity as possible to any of the groups affected. The Cooper-Hawes law has worked well. No new prison industries have been developed under the Cooper-Hawes Act which in any way interfere with free labor, yet at the same time the States have been able to find some kind of employment for the prisoners. We all realize that finding employment for large numbers of institutional inmates is a very difficult thing to do. They cannot be left idle. That is inhuman.

Some months ago this bill was introduced and referred to the Committee on the Judiciary. A subcommittee gave consideration to the bill and reported it back to the full committee adversely. By unanimous action of the full committee the bill was then placed on the table, which means that the full committee accepted the recommendation of the subcommittee and disposed of the bill adversely for the session.

Later the bill was taken from the table and found its way to the calendar of the House. No hearings were held on the bill. When it was discovered that the bill had been favorably reported and was on the calendar those vitally affected began to make inquiry. As a result, the Judiciary Committee took the bill up for further committee consideration and unanimously authorized what has been referred to as the "Minnesota amendment," exempting from the operation of the proposed law binder twine and farm machinery.

The gentleman from Alabama [Mr. HOBBS], a member of the committee, called the bill up before the House on unanimous-consent day. I made inquiry on the floor of the House and felt I had the assurance that if the bill were permitted to pass the House the House conferees would not agree in conference to eliminate the farm-machinery and binder-twine amendment. With this understanding, the bill was permitted to pass the House.

Now the majority of the conferees have eliminated this amendment and have recommended to the House that the House abandon the position taken by the Judiciary Committee and by the House when it unanimously passed the bill and accept the bill passed by the Senate. That is what is before us today. This is just another reminder that no legislation should be permitted to pass the House by unanimous consent where the legislation will go to conference, because the unanimous-consent understanding in the House cannot technically bind the conferees.

The principal proponents of this bill are the cord and machinery manufacturers and those engaged in manufacturing commodities of that type. Organized labor did not appear before the committee and did not urge the passage of the bill. My judgment is that organized labor was content to abide by the agreement reached when the Cooper-Hawes law was enacted. I do know that up to date the prison industries have not done any material damage to free labor. Of course, everything manufactured in a prison must be used by someone. It matters not whether the State uses the manufactured product or whether the goods enter the general market. They certainly replace something that free labor would have manufactured. That is conceded. Yet we have this prison problem, and it has been well cared for in the Cooper-Hawes law. Under that law any State can prevent the sale of prison-made goods in the State if it so desires, and the Federal Government will protect it against outside importation.

Mr. COCHRAN. Will the gentleman yield?

Mr. MICHENER. I am sorry; I cannot yield. I only have 5 minutes and can get no more time.

The Members who are most enthusiastic in supporting this conference report today are not those Members who are usually leading the fight for organized labor in the House. Of course, I do not make reference to the gentleman from Massachusetts [Mr. HEALEY], who is a recognized leader of organized labor in this body. I admit that I have a State prison in my district where more than 5,000 prisoners are employed. There are other prisons in Michigan where prisoners must also be employed. There are a number of States in similar condition. The Members coming from these States naturally have a special interest in this legislation. On the other hand, the Members who are advocating this report, and who have cord factories, farm-machinery factories, and twine factories in their respective districts possibly also have a special interest in this legislation. I am sure that there are some such institutions in New York, and that possibly some of the Members from the New York districts are advocating this conference report.

Mr. HANCOCK. Which gentleman from New York is the gentleman referring to?

Mr. MICHENER. Possibly I might refer to the gentleman who is making the inquiry.

Mr. HANCOCK. I have not any binder-twine factories in my district and I would not change my opinion on a bill like this.

Mr. MICHENER. Possibly the gentleman from New York does not have a binder-twine factory in his district. I feel sure, however, that he would not change his opinion even though he had an international harvester concern, a cordage factory, or other manufacturing institutions affected by this legislation in his district. The gentleman is one of the most courageous men in Congress, and I would not want to indicate that he was ever influenced by any selfish motives. If he has none of these institutions in his district, then I do not want this remark to apply to him.

If this bill and conference report simply made it impossible to ship in interstate commerce any prison-made goods,

that would be one thing. However, this bill does contain exceptions. All farm products and farm commodities are excepted. That, of course, includes the products in processing plants, like canning factories, cheese factories, and the like. This bill also does except farm machinery parts. It also permits the shipment of all manufactured commodities from Federal prisons to any part of the United States, or its possessions, to be used by the Federal Government anywhere in this territory. Just why should a Federal prison in Georgia be permitted to send convict-made goods from Georgia in interstate commerce to New York, there to be used by the Government, and thus replace goods manufactured by free labor? On the other hand, this bill would make it impossible for the State prison in Michigan to sell to the State of Ohio, or to the farmers in Ohio—an adjoining State—binder twine to be used either by the State or by the farmer. Under the Cooper-Hawes Act that decision is left to Ohio. This bill brings more control from Washington.

Time will not permit further discussion. I fully realize that this conference report is going to be adopted. However, I shall offer a motion to recommit this bill to the conference committee. If this is done, the conference committee will be instructed to proceed further in the consideration of this whole matter. Free labor can then insist that all exemptions be taken out of the bill and that all industry be given an equal break. On the other hand, these States, where prison industries have been established for many years, and which are operating satisfactorily under the Cooper-Hawes law and without particular injustice to any manufacturer or to free labor, can be given an opportunity to present their case more fully. Remember, no hearings were held on this bill. This is not an emergency matter. There is no excuse for any hasty action, because the bill by its very terms does not take effect for 1 year from the time it is enacted. Why, therefore, should we not recommit the bill and give this important matter the consideration to which it is entitled? Any other course works a grave injustice.

[Here the gavel fell.]

Mr. SUMNERS of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri [Mr. COCHRAN].

Mr. COCHRAN. Mr. Speaker, for years industry, labor organizations, and State officials could not agree on a general policy which would provide for the employment of convict labor. Competition between free labor and convict labor continued on the increase. Then came the contract system in several States, resulting in scandal after scandal. Finally the Congress decided to step in, so far as interstate transportation of convict-made goods was concerned. A resolution was passed by this House creating a special committee to investigate the subject, especially in reference to the employment of convicts in Federal penitentiaries. This committee was headed by a former Member of the House, Mr. Cooper, of Ohio; and the gentleman from New York [Mr. TABER], who took his seat a moment ago, was one of the members. As the result of that investigation, Federal Prison Industries, Inc., was provided for. Since that time Federal prisoners have been engaged in diversified industries. The objective was to spread the work into various occupations, so that as far as it was possible competition with free labor would be held at the minimum. Everyone agreed some provisions must be made for the employment of convicts, especially the long-term convicts. That has been a remarkable success.

Attention was then turned to the States, and finally the Hawes-Cooper Act was passed. It was, we all admit, impossible to put that act into immediate effect, and 5 years was provided to enable the States to meet its provisions. The right to ship prison-made goods to States that did not prohibit the sale of convict-made goods was one of its provisions.

I do not feel that my own State has passed proper laws; but regardless of that situation, I am in favor of this legislation. I say to my State do as you should do and reduce to the minimum competition with free labor.

If we can provide for diversified industries, manufacturing, say, what is needed for State institutions, the problem will be met.

Aside from that, we should always bear in mind the future of the convict. What good will it do to teach a convict a trade if he cannot secure employment when he leaves the institution? In connection with binder twine, penitentiaries have so crippled the industry that there is a surplus of trained men and women and no place for the convict to go to look for work when he is released. If men are not trained in some occupation where they can get work, then there is danger that they will soon be back in the penitentiary.

As I said, there was a general agreement that within 5 years the States would by law or rules and regulations meet the requirements of the Hawes-Cooper Act. It now becomes our duty to see that this agreement is kept. Why, if you exempt binder twine and farm machinery, then every State that wants to disregard the law will soon be found to be engaged in making twine and machinery. No one will deny that. What will become of this industry and the employees?

Mr. Speaker, I hope the conference report will be approved and that the agreement made between the States, industry, and labor will be lived up to.

Mr. HEALEY. Will the gentleman yield?

Mr. COCHRAN. I yield to the gentleman from Massachusetts, who has taken such an active interest in this legislation.

Mr. HEALEY. Does the gentleman know that the A. F. of L. and the C. I. O. are solemnly back of this?

Mr. COCHRAN. I do know, and I also know the great majority of the States and industry favor this bill. Further, I took an active interest in passing the original bill, and I want to do what I can to see that the agreement is carried out. Therefore, I support the conference report. [Applause.]

[Here the gavel fell.]

Mr. SUMNERS of Texas. Mr. Speaker, I yield 5 minutes to the gentleman from Minnesota [Mr. AUGUST H. ANDRESEN].

Mr. AUGUST H. ANDRESEN. Mr. Speaker, I am not one of those who favors competition for private labor with convict labor, and when I speak against this conference report I speak as a friend of free labor in this country. Those who are advocating the adoption of this report, when it comes down to the final analysis, may find they are not the real friends of labor for reasons which I will point out.

There are eight States engaged in the manufacture of binder twine, and one State in manufacturing farm machinery and binder twine. If this report is enacted into law the first thing that will happen will be that other States not now engaged in the manufacture of binder twine in their prisons—and should they need binder twine in the respective States—will become so engaged because the machinery is not expensive to set up.

In the second place, if the cordage companies engaged in the manufacture of binder twine secure a real monopoly on it in this country they are going to boost the price. When they boost the price they are going to increase the imports into the United States which have run approximately 75,000,000 pounds a year. The main complaint, coming from the lips of the representatives of the cordage interests, was that their trouble was not from competition with the prisons but from competition with cheap foreign labor that is manufacturing binder twine and sending it into this country. Foreign-made binder twine is sold in the State of Minnesota, yet the prison in the State of Minnesota produces binder twine. The foreign binder twine is sold cheaper than the binder twine manufactured in the State prison.

Let me call attention to another thing. This bill exempts farm commodities.

What are they? Farm commodities take in everything that is produced from the soil, whether it is sold in its natural state or as a processed product. This bill encourages the sale and manufacture, by prison labor, of cotton and cotton goods, after the cotton has been processed, or tobacco or processed tobacco, or vegetables or canned goods, cattle

or packing-house products, hogs or hog products, wheat and flour, and I could go down the line and take in dairy products or any other farm commodity, whether in its natural or processed state. So you are encouraging all prisons in the United States to go into the production of farm products for interstate transportation without any restriction whatever. That is what is going to happen, and you will then find hundreds of thousands of laboring men who are now engaged in free enterprise suffering from the competition you are now seeking to prevent by action on this conference report.

I call this to your attention because I feel that after all the bill came out of the committee without due consideration. It would be far better for us in the interest of free labor in this country to recommit the conference report, send the bill back to the committee, and give it further study so that we may really protect labor in this country rather than create something here that may work a jeopardy upon the whole future of labor in the United States.

Mr. GEARHART. Mr. Speaker, will the gentleman yield?

Mr. AUGUST H. ANDRESEN. I yield to the gentleman from California.

Mr. GEARHART. Since the phrase "farm commodities" is not defined in the bill, is it not possible that it might be defined in the courts to include anything manufactured for use on the farm as well as produced on the farm?

Mr. AUGUST H. ANDRESEN. They could not do otherwise, because "agricultural commodities" takes in every farm commodity. If it is processed in a prison it would still be an agricultural commodity and exempt from the operation of this bill.

Mr. HOBBS. Mr. Speaker, will the gentleman yield?

Mr. AUGUST H. ANDRESEN. I yield to the gentleman from Alabama.

Mr. HOBBS. Is it not a fact that under its provisions this bill will not take effect for 1 year after it is signed by the President, so that if this conference report is voted down we can in January consider this subject anew and act intelligently and without any question as to whether or not we are doing violence to our agreement?

Mr. AUGUST H. ANDRESEN. The gentleman is absolutely correct. That is what should be done in the interest of American labor. I hope, therefore, that this conference report will be returned to the committee. Let the committee hold hearings on the subject, and then get a real piece of legislation for the benefit of American labor. [Applause.]

[Here the gavel fell.]

Mr. SUMNERS of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. VORYS].

Mr. VORYS of Ohio. Mr. Speaker, this is the first time the House has really looked squarely at this Minnesota amendment. My dear friends from Minnesota prate about their love for free labor in general, but they jump over and argue in favor of conscript prison labor for their State. That is an example of the famous "Minnesota shift." [Laughter.]

Mr. AUGUST H. ANDRESEN. Mr. Speaker, will the gentleman yield?

Mr. VORYS of Ohio. I refuse to yield.

Our only chance to make a real step toward eliminating convict labor at this session is to vote for this conference report. If we vote it down, you know it will never come out again this year.

I know of an instance of a small farm-implement factory, not in my own district but in Ohio, that employs 400 men, that has lost half of its business in 2 Western States because of Minnesota prison-labor competition. The prison, with no taxes to pay and with power to pirate patents, may eventually run this plant out of business. We have gone far in the past few days toward creating a situation where we may have conscript labor in this country. Let us not take a step here that, in order to permit prison labor to be employed, will throw free labor into unemployment. That is the proposal that is made when you try in any way to prevent this conference report from going through today.

I wish the bill were more sweeping than it is, but this is the best the conferees can secure, and it at least is a step in the right direction, the direction of protecting free American labor against the men who work in prisons. I urge that this House support its conferees, who have gone into this matter thoroughly, and support free American labor and private industry. This is the first and last chance the House will have to look squarely into the implications of this so-called Minnesota amendment, which would permit the manufacturing of machinery by prisoners in competition with free American workmen. This bill gives a fair outlet for prison labor; all States and their subdivisions may buy such products. Let us save the private free market for private free labor and not condemn free Americans to the "idle house." [Applause.]

[Here the gavel fell.]

Mr. SUMNERS of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon [Mr. PIERCE].

Mr. PIERCE. Mr. Speaker, one of the biggest problems we have in America is how to take care of the prison labor and what to do with the men. The ordinary State has about one in a thousand in the penitentiary or in some kind of incarceration. If a State has a population of 5,000,000 you will have 5,000 in prison, and these men are constantly going in and going out in large numbers. The ordinary prison sentence of 2 years means 10 months' incarceration. Under the ordinary parole now practiced in practically all States those prisoners walk out into society. That crowd is large going in and going out. Free labor, as you say, or organized labor, I think is making a great mistake in not helping form some kind of a plan to take care of these poor devils who go to the penitentiary, stay there a few months, and then have to try to make their way back into society.

I am going to vote against this conference report. I am for free labor and I am for organized labor, but there is certainly a real problem that must be solved by the States. I understand the importance of noncompetitive prison labor. As Governor of the State of Oregon I went a long, long way to establish the Oregon long-fiber-flax industry with prison labor. I tried to get hold of an industry which had no competition in the United States. We import most of our fiber flax from Belgium, Russia, and the European countries. This bill would destroy that unique industry and ruin the flax farmers for the benefit, not of labor, but of monopolies.

In the penitentiaries they should raise everything they can raise for their own use, and then they should be allowed to manufacture products and send them to other public institutions in the State, like insane asylums. The number of insane is about three times the number of those in penitentiaries. It will run about that figure throughout the United States. All the clothing and shoes and any other things that are consumed by the insane and those confined for feeble-mindedness should be made in the prisons. The number of feeble-minded, that is, those who cannot take care of themselves, runs in the States a little more than those in the penitentiaries and about half of those in the insane asylums. If all the feeble-minded were in there we would not have institutions enough to hold them [laughter] but, really, there is a great problem here, and this conference report ought not to be adopted. Organized labor ought to get together with a Governor's conference and work out a plan by which, if one State is making shoes, they can sell or trade them with other States for their prison-made goods.

Mr. PITTENGER. Mr. Speaker, will the gentleman yield?

Mr. PIERCE. I yield.

Mr. PITTENGER. Is it not the binder twine and machinery trust that is against this Minnesota amendment?

Mr. PIERCE. I have heard so, and I think it is true. I do think the conference report ought to be voted down. [Applause.]

Mr. SUMNERS of Texas. Mr. Speaker, I yield 3½ minutes to the gentleman from Minnesota [Mr. ALEXANDER].

Mr. ALEXANDER. Mr. Speaker, as the Member from Minnesota who offered the amendment to exempt farm machinery and binder twine, which was adopted by the House, naturally I am opposed to this conference report which strikes out my amendment.

You have heard the question of the ethics of this thing discussed very ably by the distinguished gentleman from Alabama [Mr. HOBBS]. I am not going to touch on that although I consider it important, but I do want to mention two aspects of this thing which have not been mentioned so far in the course of this debate. One of them is this: If you are going to say to the States that they cannot sell or manufacture and sell their products in interstate commerce, then are you not destroying another part of States' rights which we have so jealously guarded during the 150 years of this Nation's existence? If you do this, how far is it to the next step where, as suggested by my colleague from Minnesota [Mr. ANDRESEN] when the States set up their own plants to manufacture machinery and binder twine, you are going to say to them, "You cannot ship that outside the State, notwithstanding the fact it is manufactured by free labor, as you say." As long as we have the excellent Hawes-Cooper Act which is working so well and which gives each State the right to decide for itself whether it wants its people to patronize prison industry, I can see no need for a change.

The second point I want to make is that this is a double crack at the farmers. Of course, they are unorganized in this fight, and they have no "well oiled" lobby here in Washington to protect their interests, and I say it is a double crack at them because you are going to specifically exempt, under this conference report, agricultural products or commodities, therefore making competition by the prisons for the free farmers who have not yet gotten themselves into jail; and in addition to that, you are going to force off the market and take away the protection for our farmers, especially in the Northwestern States, the protection which they now have against the Machinery Trust and the Cordage and Twine Trust. I understand at one time farmers in the Northwest were forced to pay 20 to 25 cents a pound for their binder twine whereas, today, because we set up these plants to protect our farmers, they are getting it for between 7 and 8 cents a pound, and I understand that the difference between our excellent binders and reapers, mowers, cultivators and rakes made in our prison factory at Stillwater, in my district, runs approximately $40 on the more expensive machines as compared to the ones sold by the Implement Trust. You are taking a double crack at the farmers when you remove that check or that governor on prices, and you will find not only will they not get the benefit of this saving as now which has amounted to millions of dollars throughout the Northwest States during the past few years, but you are going to see that the prices skyrocket upward on all these things because there is no check; and in the name of the farmers of the Northwest I beg of you to think twice before you vote to adopt this conference report. It should be voted down. [Applause.]

Mr. SUMNERS of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin [Mr. GEHRMANN].

Mr. GEHRMANN. Mr. Speaker, certainly no one would accuse me of ever being opposed to labor. I know that my first election to the State legislature was at the insistence of labor and my election here to the Congress was due to the insistence and with the support of labor. They were the ones, organized labor, that got me here and I have never deserted them. Organized labor that understands the farmers' problems does not want the binder-twine manufacture eliminated, because they know that 20 years ago when we first started the fight against the monopoly of the Cordage Trust and the monopoly of farm machinery, the farmer was the goat, and the farmer will be the goat if this is eliminated, because 20 years ago when prices were lower than they are today, materials as well as labor prices, the farmer paid from 20 cents to 25 cents a pound for binder twine, and I bought lots of it because I have been on the farm all my life. In those same years, and during the World War, you will recall that we bought our binders for $115 to $125. Today those same binders cost $225 and $240. Is there anyone that will hold that labor is getting more today than they did during the war? Is there anyone today who will contend that materials that go into these farm machines cost more today than they did during the World War? It is simply because of the most vicious and best-organized trust, the Farm Machinery and the Cordage Trust, that we have been denied exemption for binder twine, and they are back of this thing. We do not want any exemption other than that. I am not in favor of manufacturing and shipping in interstate commerce all kinds of products, but the farmer is unorganized and the farmer is the one that is the goat, and nobody else is going to benefit by it except the Cordage and Farm Machinery Trust. [Applause.]

[Here the gavel fell.]

Mr. SUMNERS of Texas. Mr. Speaker, I yield 1½ minutes to the gentleman from South Dakota [Mr. CASE].

Mr. CASE of South Dakota. Mr. Speaker, I simply wish to ask the chairman a question. Under the language of some of the bills that we have which deal with sales in interstate commerce and the application of legislation to interstate commerce, there have been rulings that where sales were made in intrastate commerce that were in competition with sales in interstate commerce, the activity came under the ban of the restriction. I want to ask the gentleman if, under the language adopted by the conference report, this legislation will have any bearing whatever upon the selling of prison-made binder twine within a State.

Mr. SUMNERS of Texas. Does the gentleman mean in the State of production?

Mr. CASE of South Dakota. In the State of production.

Mr. SUMNERS of Texas. I do not think so; no.

Mr. CASE of South Dakota. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The gentleman yields back one-half minute.

Mr. SUMNERS of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. JONES].

Mr. JONES of Ohio. Mr. Speaker, I wish first to answer the argument of the gentleman from Kansas, Judge GUYER, in regard to the production of binder twine in the prisons of Kansas. This bill will not affect in the least bit the ability of prisons to make products and sell them in their own State. Minnesota can make farm implements and sell them in their own State if this conference report is adopted. Any State can make their own products for consumption in their own State. If this conference report is adopted it will stop the sale in interstate commerce of farm implements.

Mr. ALEXANDER. Will the gentleman yield?

Mr. JONES of Ohio. No, I am sorry. I do not have time. The farm-implement industry is an old industry. Many of the patents that were granted to farm-implement companies have expired. Therefore, there is reason for the steady expansion of the production of farm implements in prisons. Prisons are not curtailed in many instances by patent rights of private manufacturers. As a matter of fact, the Minnesota prisons go into territory operated by competitive private manufacturers with a product so much like the products of one private manufacturer. The only difference in them is the paint and the color of the product.

Prison labor cannot be fair competition for private labor. One cannot say "I am a friend of free labor," and then say "I am against this conference report so that a prison can make these particular things." We must either protect free labor or we are not being true to that ideal of competition.

The farmers in my State will not gain any advantage if prison-made farm implements are allowed to be shipped in interstate commerce. The State statutes prohibit such sale in Ohio. If Minnesota prisons put four or five hundred people out of work in my State and cause private factories to close down, four or five hundred more men will go on relief, and the farmers in my State will have to help pay the burden of keeping them on relief. In Ohio, rejection of this conference report is a blow to free labor as against prison labor and a blow to the farmer who will have to pay for relief of the

unemployed, who have been displaced by prison labor. In addition they pay a higher price for the farm implements caused by the slowing down of production of private plants whose markets are displaced by prison-made goods.

[Here the gavel fell.]

Mr. SUMNERS of Texas. Mr. Speaker, I yield 1 minute to the gentleman from Iowa [Mr. GILCHRIST].

Mr. GILCHRIST. Mr. Speaker, I am for free labor. This bill does not protect free labor, provided it is farm labor. Under this bill prisons can make and produce all of the agricultural commodities they wish to produce. They can produce canned goods—tomatoes, corn, cotton, flax, hogs, beeves, bacon, lard, meat, potatoes, and every other farm commodity that they want to, and they can then sell in interstate commerce everyone and all of these things. The free labor of the farmer is not protected. Why do you allow agricultural commodities to be produced on the prison farm, and sold from them, and then provide in the same bill that everything that the farmer buys shall not be protected?

Mr. COCHRAN. Will the gentleman yield?

Mr. GILCHRIST. No. I only have 1 minute.

It was not long ago that a binder would cost a farmer about $120. Now it costs him $350. Why do you not protect farm free labor as well as other free labor? You boys who say "I am so interested in protecting farm free people," all right, let us protect them.

Here as elsewhere in our legislation we forget the interests and rights of farm people. I am not speaking against free labor. All of my public life I have been voting in favor of labor. Many years ago in the State Senate of Iowa I voted for bills which would protect free labor against prison labor. I want to do the same thing here now today, but I want to include free farm labor as well as other free labor. Do not discriminate against the farmer as this report now does. Let us recommit it to the committee and cut out the restrictions against farmers and provide for freedom to their labor as well as freedom to all other labor. And when this is done let us all vote in favor of farm labor and factory labor and of every other kind of labor. I will do so if given the opportunity. I am not opposing the bill but am opposing unjust discrimination against country people. [Applause.]

[Here the gavel fell.]

Mr. SUMNERS of Texas. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin [Mr. HULL].

Mr. HULL. Mr. Speaker, there is no State in the Union that has gone further to protect free labor from prison-labor competition than the State of Wisconsin. When we established our twine plant in that State in 1913 we had the cooperation of many labor members in that farmer-controlled legislature, because we wanted to get away from the old contract-labor system which was then in vogue in the State penal institutions.

This bill not only attacks the interests of the farmers, particularly of my district, but it also is not a labor bill, because it provides that it shall not apply to commodities manufactured in the District of Columbia penal or correctional institutions for use of the Federal Government, or to commodities manufactured in any State penal or correctional institution for the use of any other State or subdivision thereof. Under this particular bill the Federal and District institutions could set up shoe factories, blanket factories, and similar industries and sell the products to all State and county institutions in the United States. Call that a bill in the interest of free labor? [Applause.]

On the contrary, it opens the field for many new products which now are not made in any penal institution. Furthermore it will permit prison farms to produce and process their own commodities and sell on the open market in competition with the free labor of both farms and industries.

The measure has been carefully drawn to permit interstate and foreign commerce in prison-grown cotton, for instance. Such prison farms in Southern States are now producing cotton, selling it in the open market, and are receiving the full benefit of the A. A. A., soil conservation, and parity payments. The southern prisons under this measure may install canneries and sell canned goods in competition with northern farmers and the free labor of our canneries in the Northwest. Proclaiming the measure as a protection to free labor, the lobbyists of the special interests which are backing this bill have been particularly careful of the interests of the cotton-growing States which do not have twine plants in their prisons.

The twine plants in the Wisconsin and Minnesota prisons were established years ago, when the makers of binder twine combined to maintain prices at levels nearly double those of the present. They were intended to relieve farmers from extortionate charges for a farm necessity. In that way they have saved the farmers of the two States millions of dollars. The plant in the Minnesota prison manufacturing farm machinery was established for a similar purpose, and it has been successful also.

This is a bill to add to the profits of the cordage trust at the expense of the farmers and the laboring men as well. As I have explained, it will open new competition to labor in private industry far in excess of any alleged competition now coming from the prison labor of only eight States which have twine industries.

It is a bad bill and the conference report should be overwhelmingly voted down.

[Here the gavel fell.]

Mr. SUMNERS of Texas. Mr. Speaker, I yield one-half minute to the gentleman from Minnesota [Mr. ANDERSEN].

Mr. H. CARL ANDERSEN. Mr. Speaker, in the short 1 minute I have allotted to me, as a Member of Congress who has had much practical farming experience, I want to say to you Members of the House that if you desire to place the equivalent of a $10 tax on every quarter section of farm land in the United States, then vote for this conference report. If you vote for this conference report which is in the interests of the farm machinery monopoly and Binder Twine Trust, then stop talking about being helpful to those who are trying to make their living on the farms of this Nation.

Furthermore, my record here in the House shows that I have always been friendly to labor and this bill is manifestly unfair, not only to the farmer, but to farm labor. [Applause.]

[Here the gavel fell.]

Mr. SUMNERS of Texas. Mr. Speaker, for a long time, of course, there has been conflict between those interested in the rehabilitation of persons incarcerated in penitentiaries and similar institutions, and those interested in protecting free labor against the competition of the people incarcerated in these institutions. A compromise has been worked out and generally agreed to that persons incarcerated in these penal institutions, that is, the institutions, may produce by prison labor and sell to these agencies of government of which they are a part or to which they are related those things which are used by these governments or such agencies. Anything that is produced in a State by the prison labor of that State may be sold in the State. Of course, this bill is in harmony with that general agreement. This bill does not attempt to touch that.

Under the bill, not the conference report, you remember that a State that produced more of the things in its prisons than the State used or than the State could consume within the State could swap its surplus with another State similarly situated. What we have done is to prohibit, with a few exceptions, the transportation in interstate commerce of prison-made goods.

Mr. BROWN of Ohio. Mr. Speaker, will the gentleman yield?

Mr. SUMNERS of Texas. Not for the moment.

If you do permit prison-made goods to enter the general field of commerce, you create a condition under which private manufacturers of those commodities have to compete with prison-made goods, and free labor in general commerce must compete with convict labor.

Mr. ALEXANDER. Mr. Speaker, will the gentleman yield for a question?

Mr. SUMNERS of Texas. Not for the moment.

Mr. ALEXANDER. The question will take only half a second.

Mr. SUMNERS of Texas. Not until I complete my statement.

Those interested primarily in rehabilitating prisoners and those interested primarily in protecting free enterprise and free labor against prison factories and prison labor have tried to make it possible for these men in the prisons to work, but to restrict their market to the State where they produce.

Now I yield very briefly to the gentleman from Minnesota.

Mr. ALEXANDER. Does the gentleman know that only one-twentieth of 1 percent of the goods manufactured in prisons compete with similar goods manufactured by free labor in the United States?

Mr. SUMNERS of Texas. I do not know the percentage but I do know that if we do exempt these two commodities, binder twine and farm machinery, then we naturally turn into the production of binder twine and farm implements the productive energy of the penitentiaries of the country, and these manufacturers and workmen who are engaged in producing binder twine and farm implements with free labor will have to meet this combined productive energy of the penitentiaries.

We have, however, established the general policy of prohibiting the shipment in interstate commerce of the product of prisons, and to make these exceptions would turn the productive energy of the penitentiaries against the laborers in these particular industries.

[Here the gavel fell.]

The SPEAKER pro tempore. The time of the gentleman from Texas has expired, all time has expired.

Mr. HEALEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on this bill.

The SPEAKER pro tempore. Without objection it is so ordered.

There was no objection.

Mr. SUMNERS of Texas. Mr. Speaker, I move the previous question on the conference report to its adoption or rejection.

The previous question was ordered.

Mr. MICHENER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the conference report?

Mr. MICHENER. Certainly.

The SPEAKER pro tempore. The gentleman qualifies.

The Clerk read as follows:

Mr. MICHENER moves to recommit the conference report to the conference committee.

Mr. MICHENER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MICHENER. If this motion should carry, the conferees would then be permitted to go back and cut out all the exemptions which they have included here if they wanted.

The SPEAKER pro tempore. The whole matter would be before the conferees.

The question is on the motion to recommit.

The question was taken; and on a division (demanded by Mr. MICHENER) there were—ayes 28, noes 94.

Mr. HULL. Mr. Speaker, I object to the vote on the ground that a quorum is not present.

The SPEAKER pro tempore. The Chair will count. [After counting.] One hundred and seventy-nine Members are present; not a quorum.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 40, nays 262, not voting 127, as follows:

[Roll No. 216]

YEAS—40

Alexander	Bolles	Carlson	Crowther
Andersen, H. Carl	Buckler, Minn.	Coffee, Nebr.	Curtis
Andresen, A. H.	Burdick	Crawford	Doxey
Dworshak	Hull	Mundt	Rogers, Okla.
Ford, Miss.	Johns	Murray	Stefan
Gehrmann	Knutson	Pace	Sweet
Gilchrist	Lambertson	Pierce	Talle
Guyer, Kans.	McGehee	Pittenger	Whittington
Hawks	Massingale	Reed, N. Y.	Winter
Hobbs	Michener	Rees, Kans.	Youngdahl

NAYS—262

Allen, Ill.	Doughton	Kean	Rich
Allen, La.	Drewry	Keller	Richards
Anderson, Calif.	Duncan	Kelly	Robertson
Anderson, Mo.	Dunn	Keogh	Robinson, Utah
Andrews	Durham	Kerr	Robsion, Ky.
Angell	Eaton	Kilday	Rodgers, Pa.
Arends	Eberharter	Kinzer	Rogers, Mass.
Austin	Edelstein	Kitchens	Romjue
Ball	Edmiston	Kleberg	Routzohn
Bates, Ky.	Ellis	Kocialkowski	Rutherford
Bates, Mass.	Elston	Kramer	Ryan
Beam	Englebright	Kunkel	Sabath
Beckworth	Faddis	Landis	Sasscer
Bell	Fenton	Lanham	Satterfield
Bland	Ferguson	Larrabee	Schafer, Wis.
Bloom	Flannagan	Lea	Schiffler
Boehne	Flannery	Leavy	Schulte
Boland	Ford, Thomas F.	LeCompte	Scrugham
Boykin	Fries	Lewis, Colo.	Secrest
Brooks	Fulmer	Lewis, Ohio	Shannon
Brown, Ga.	Gamble	Luce	Sheppard
Brown, Ohio	Garrett	Ludlow	Sheridan
Bryson	Gartner	McCormack	Short
Bulwinkle	Gathings	McGregor	Simpson
Burch	Gearhart	McKeough	Smith, Conn.
Burgin	Geyer, Calif.	McLaughlin	Smith, Ill.
Byrns, Tenn.	Gillie	McLean	Smith, Maine
Byron	Goodwin	McMillan, Clara	Smith, Va.
Caldwell	Gore	McMillan, John L.	Smith, Wash.
Cannon, Fla.	Gossett	Maciejewski	Smith, W. Va.
Cannon, Mo.	Graham	Magnuson	Snyder
Carter	Grant, Ala.	Mahon	Somers, N. Y.
Cartwright	Grant, Ind.	Mansfield	South
Case, S. Dak.	Gregory	Marshall	Sparkman
Casey, Mass.	Griffith	Martin, Iowa	Spence
Celler	Gwynne	Martin, Mass.	Springer
Chiperfield	Hancock	Mason	Starnes, Ala.
Church	Hare	May	Sumner, Ill.
Clason	Hart	Miller	Sumners, Tex.
Claypool	Harter, N. Y.	Mills, Ark.	Taber
Clevenger	Harter, Ohio	Monkiewicz	Tarver
Cluett	Hartley	Monroney	Terry
Cochran	Havenner	Moser	Thomas, Tex.
Coffee, Wash.	Healey	Mott	Thomason
Cole, Md.	Hendricks	Murdock, Ariz.	Thorkelson
Collins	Hennings	Myers	Tibbott
Colmer	Hess	Nelson	Tinkham
Cooper	Hill	Nichols	Tolan
Costello	Hinshaw	Norrell	Treadway
Courtney	Hoffman	Norton	Van Zandt
Cox	Holmes	O'Brien	Vincent, Ky.
Cravens	Horton	O'Connor	Voorhis, Calif.
Creal	Hunter	O'Leary	Vorys, Ohio
Crosser	Izac	O'Toole	Vreeland
Crowe	Jacobsen	Patman	Ward
Culkin	Jarman	Patrick	Weaver
Cullen	Jenkins, Ohio	Patton	Welch
Cummings	Jennings	Pearson	West
D'Alesandro	Jensen	Peterson, Fla.	Wheat
Darden, Va.	Johnson, Ill.	Pfeifer	Williams, Del.
Davis	Johnson, Luther A.	Poage	Williams, Mo.
DeRouen	Johnson, Lyndon	Polk	Wolfenden, Pa.
Dickstein	Johnson, Okla.	Powers	Wolverton, N. J.
Dirksen	Johnson, W. Va.	Rankin	Zimmerman
Disney	Jones, Ohio	Rayburn	
Ditter	Jonkman	Reed, Ill.	

NOT VOTING—127

Allen, Pa.	Dingell	Jeffries	Mouton
Arnold	Dondero	Jenks, N. H.	Murdock, Utah
Barden, N. C.	Douglas	Johnson, Ind.	O'Day
Barnes	Elliott	Jones, Tex.	Oliver
Barry	Engel	Kee	O'Neal
Barton, N. Y.	Evans	Keefe	Osmers
Bender	Fay	Kefauver	Parsons
Blackney	Fernandez	Kennedy, Martin	Peterson, Ga.
Bolton	Fish	Kennedy, Md.	Plumley
Boren	Fitzpatrick	Kennedy, Michael	Rabaut
Bradley, Mich.	Flaherty	Kilburn	Ramspeck
Bradley, Pa.	Folger	Kirwan	Randolph
Brewster	Ford, Leland M.	Lemke	Reece, Tenn.
Buck	Gavagan	Lesinski	Risk
Buckley, N. Y.	Gerlach	Lynch	Rockefeller
Byrne, N. Y.	Gifford	McAndrews	Sacks
Camp	Green	McArdle	Sandager
Chapman	Gross	McDowell	Schaefer, Ill.
Clark	Hall, Edwin A.	McGranery	Schuetz
Cole, N. Y.	Hall, Leonard W.	McLeod	Schwert
Connery	Halleck	Maas	Seccombe
Cooley	Harness	Maloney	Shafer, Mich.
Corbett	Harrington	Marcantonio	Shanley
Darrow	Hook	Martin, Ill.	Smith, Ohio
Delaney	Hope	Merritt	Steagall
Dempsey	Houston	Mills, La.	Stearns, N. H.
Dies	Jarrett	Mitchell	Sullivan

Sutphin	Thomas, N. J.	Warren	Wolcott
Sweeney	Vinson, Ga.	Whelchel	Wood
Taylor	Wadsworth	White, Idaho	Woodruff, Mich.
Tenerowicz	Wallgren	White, Ohio	Woodrum, Va.
Thill	Walter	Wigglesworth	

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On the vote:

Mr. Lemke (for) with Mr. Halleck (against).
Mr. Hope (for) with Mr. Seccombe (against).
Mr. Keefe (for) with Mrs. Bolton (against).

General pairs:

Mr. Warren with Mr. Wadsworth.
Mr. Dempsey with Mr. Reece of Tennessee.
Mr. Cooley with Mr. Maas.
Mr. Sullivan with Mr. Johnson of Indiana.
Mr. Barden of North Carolina with Mr. Dondero.
Mr. Dies with Mr. Barton of New York.
Mr. Ramspeck with Mr. Thomas of New Jersey.
Mr. Gavagan with Mr. Cole of New York.
Mr. Folger with Mr. Jeffries.
Mr. Buck with Mr. Gifford.
Mr. Rabaut with Mr. Bender.
Mr. Martin J. Kennedy with Mr. Wolcott.
Mr. O'Neal with Mr. Corbett.
Mr. Green with Mr. Rockefeller.
Mr. Camp with Mr. Blackney.
Mr. Steagall with Mr. Risk.
Mr. Michael J. Kennedy with Mr. Osmers.
Mr. Randolph with Mr. Bradley of Michigan.
Mr. Clark with Mr. Harness.
Mr. Martin of Illinois with Mr. Brewster.
Mr. Fitzpatrick with Mr. Wigglesworth.
Mr. McAndrews with Mr. Engel.
Mr. Barry with Mr. Edwin A. Hall.
Mr. Vinson of Georgia with Mr. Fish.
Mr. Whelchel with Mr. McDowell.
Mr. Woodrum of Virginia with Mr. Woodruff of Michigan.
Mr. Buckley of New York with Mr. Kilburn.
Mr. Hook with Mr. Douglas.
Mrs. O'Day with Mr. McLeod.
Mr. Kirwan with Mr. White of Ohio.
Mr. Barnes with Mr. Thill.
Mr. Byrne of New York with Mr. Leland M. Ford.
Mr. Chapman with Mr. Oliver.
Mr. Kefauver with Mr. Sandager.
Mr. Delaney with Mr. Smith of Ohio.
Mr. Boren with Mr. Plumley.
Mr. Sutphin with Mr. Jarrett.
Mr. Fay with Mr. Leonard W. Hall.
Mr. Parsons with Mr. Darrow.
Mr. Lynch with Mr. Gross.
Mr. Peterson of Georgia with Mr. Jenks of New Hampshire.
Mr. Schuetz with Mr. Shafer of Michigan.
Mr. Wood with Mr. Gerlach.
Mr. Merritt with Mr. Stearns of New Hampshire.
Mr. Arnold with Mr. Marcantonio.
Mr. McArdle with Mr. Bradley of Pennsylvania.
Mr. Mouton with Mr. Shanley.
Mr. Dingell with Mr. Elliott.
Mr. Fernandez with Mr. Walter.
Mr. Kee with Mr. Lesinski.
Mr. Taylor with Mr. Sacks.
Mr. Evans with Mr. Flaherty.
Mr. Harrington with Mr. Houston.
Mr. Schaefer of Illinois with Mr. Schwert.
Mr. Kennedy of Maryland with Mr. Sweeney.
Mr. Murdock of Utah with Mr. Maloney.
Mr. Mills with Mr. Wallgren.

Mrs. SMITH of Maine, Mr. RANKIN, and Mr. DITTER changed their votes from "yea" to "nay."

The doors were opened.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on agreeing to the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. D'ALESANDRO. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a speech prepared to be made by Speaker BANKHEAD at the opening of the Democratic rally in Baltimore.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland [Mr. D'ALESANDRO]?

There was no objection.

Mr. KEAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD in memory of our late colleague, Mr. Seger, of New Jersey, and to include a eulogy by Rev. George H. Talbott.

The SPEAKER pro tempore (Mr. COOPER). Is there objection to the request of the gentleman from New Jersey [Mr. KEAN]?

There was no objection.

ELECTION OF SPEAKER PRO TEMPORE

Mr. McCORMACK. Mr. Speaker, at the suggestion of the Speaker, I offer the following privileged resolution, and ask for its immediate consideration.

The Clerk read as follows:

House Resolution 597

Resolved, That Hon. SAM RAYBURN, a Representative from the State of Texas, be, and he is hereby, elected Speaker pro tempore during the absence of the Speaker.

Resolved, That the President and the Senate be notified by the Clerk of the election of Hon. SAM RAYBURN as Speaker pro tempore during the absence of the Speaker.

The resolution was agreed to. [Applause.]

Mr. RAYBURN assumed the chair and was sworn as Speaker pro tempore by Mr. McCORMACK.

CODIFICATION OF THE NATIONALITY LAWS OF THE UNITED STATES

Mr. SABATH. Mr. Speaker, I call up House Resolution 544, and ask for its immediate consideration.

The Clerk read as follows:

House Resolution 544

Resolved, That immediately upon adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for consideration of H. R. 9980, a bill to revise and codify the nationality laws of the United States into a comprehensive nationality code. That after general debate, which shall be confined to the bill and shall continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Immigration and Naturalization, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment, the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. SABATH. Mr. Speaker, later on I shall yield 30 minutes to the gentleman from Michigan [Mr. MICHENER].

Mr. Speaker, this rule will make in order consideration of the long-delayed bill covering codification of our nationality laws. The report is unanimous. I think this is the first time that the Committee on Immigration has reported a bill by unanimous vote and I congratulate the committee upon its action.

The rule is an open rule and provides for 1 hour's general debate, after which the bill will be taken up and read for amendment under the 5-minute rule. I have been informed by members of the committee and the Rules Committee has been so informed, that in view of the many months the committee and subcommittee has spent in the consideration of this bill, and due to the further fact that this has the unanimous report of that committee, the 1 hour allowed for general debate will not be utilized by members of the Committee on Immigration. This bill strengthens the arm of the Government, as I understand it, and restricts naturalization. It provides for heavy penalties for any misinformation or false statement on the part of anyone who aids and endeavors to obtain naturalization. There is also a heavy fine provided and properly so, the fine being up to $5,000 and imprisonment not to exceed 5 years.

Mr. Speaker, this bill does not change the immigration laws in any respect. It has the approval of four outstanding departments, and in fact urgent requests for the enactment of this legislation have been made for some time by the Secretary of State, Secretary of the Navy, Secretary of War, and the Attorney General.

Mr. Speaker, I ask unanimous consent to insert the letters urging the adoption of this bill which I have received from the Secretaries whom I have mentioned, as well as an excerpt of a letter from the President of the United States, in which they urge the passage of this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois [Mr. SABATH]?

There was no objection.

THE WHITE HOUSE,
Washington, August 27, 1940.

The Honorable ADOLPH J. SABATH,
Chairman, House Rules Committee, House of Representatives.

MY DEAR MR. SABATH:

* * * * * * * *

I have no hesitation in believing that the facts and arguments strongly point to the desirability of the rule being granted and the

bill considered by the House with as little delay as possible, which would conceivably result in its becoming a law before adjournment of the present Congress. It seems to me the following facts should be given great weight:

For several years the importance of such legislation has been recognized. I think it was during the first year of my administration that I requested the Departments of State, Justice, and Labor to undertake the preparation of such a measure. In compliance with my request, the officials of the Departments named have done a great deal of work, and those Departments now urge its enactment, and this also appears to be the attitude of the Committee on Immigration and Naturalization, which has reported the bill. Furthermore, it is stated that there is no opposition to the bill. In addition, I am informed that the opinion is entertained in some quarters that its enactment might serve to curb certain "fifth column" activities.

Further detail is unnecessary in view of the communications you have received, and which you have given me the privilege of reading.

Very sincerely yours,

(Signed) FRANKLIN D. ROOSEVELT.

WAR DEPARTMENT,
Washington, June 27, 1940.

Hon. ADOLPH J. SABATH,
Chairman, Committee on Rules, House of Representatives:

I am informed that H. R. 9980 has been approved by the Immigration and Naturalization Committee of the House of Representatives and is now before your committee. This bill has been drawn up in consultation with the State, War, and Navy Departments. The War Department is particularly interested in section 402, which, if enacted, would greatly simplify the important military problems.

I take this occasion to request your good offices in expediting the passage of the bill in question, in the interests of national defense.

Sincerely yours,

LOUIS JOHNSON,
Acting Secretary of War.

DEPARTMENT OF THE NAVY,
OFFICE OF THE SECRETARY,
Washington, August 21, 1940.

MY DEAR MR. CHAIRMAN: The Navy Department understands that the bill (H. R. 9980) to revise and codify the nationality laws of the United States into a comprehensive nationality code has been approved by the Committee on Immigration and Naturalization of the House of Representatives, and that it is now before your committee for consideration.

It is assumed that the bill will be amended to conform to the provisions of Reorganization Plan No. V, transferring the administration of immigration and naturalization from the Department of Labor to the Department of Justice.

The Navy Department favors the enactment of this bill in the interest of the national defense.

The Navy Department has been advised by the Bureau of the Budget that there would be no objection to the submission of this report.

Sincerely yours,

LEWIS COMPTON, *Acting.*

The CHAIRMAN, COMMITTEE ON RULES,
House of Representatives, Washington, D. C.

DEPARTMENT OF STATE,
Washington, June 13, 1940.

DEAR MR. SABATH: I understand that the Department of Justice and the Department of Labor are asking that, if possible, your committee afford an opportunity, as requested by the Committee on Immigration, for a rule to provide for the consideration as early as possible of H. R. 9980, known as the Nationality Act of 1940. This being assumed, I am writing to say that it would gratify this Department if such a disposition of the matter could be had.

Yours very sincerely,

R. WALTON MOORE,
Counselor, Department of State.

The Hon. A. J. SABATH,
Chairman, Committee on Rules,
House of Representatives, Washington, D. C.

DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, June 13, 1940.

Hon. ADOLPH J. SABATH,
Chairman, Rules Committee,
House of Representatives, Washington, D. C.

MY DEAR MR. CHAIRMAN: On June 5 the Committee on Immigration and Naturalization of the House of Representatives committed to the Committee of the Whole House on the state of the Union and ordered to be printed H. R. 9980, designated as Nationality Act of 1940.

The proposed nationality act of 1940 is based on a codification of the nationality laws of the United States, submitted on the request of the President by the Secretary of State, the Attorney General, and the Secretary of Labor and transmitted to the Congress with a message of recommendation by the President on June 13, 1938. It represents 5 years of work by representatives of the Departments of State, Justice, and Labor. It has been a very extensive and important undertaking for the benefit of citizens of this country who, by reason of foreign birth or marriage or family relationship with aliens, are interested in a clarified restatement and codification of our nationality laws. Representatives of the three departments named above have worked closely with members of the Immigration and Naturalization Committee of the House of Representatives through the present session of Congress; and the proposed nationality act of 1940, H. R. 9980, which has resulted, is a piece of legislation which I can recommend highly.

I sincerely hope that your committee may adopt a rule which will admit this proposed legislation to prompt consideration by the House of Representatives.

Sincerely yours,

FRANCES PERKINS.

OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., June 14, 1940.

Hon. ADOLPH J. SABATH,
Chairman of the Rules Committee, House of Representatives.

MY DEAR MR. CHAIRMAN: It has been brought to my attention that the chairman of the House Committee on Immigration and Naturalization, Mr. DICKSTEIN, proposes to ask a rule from your committee so that the proposed Nationality Code, H. R. 9980, be presented to the House for consideration.

For your information, you are advised that by Executive order dated April 25, 1933, the President designated the Secretary of State, the Attorney General, and the Secretary of Labor as a committee to review the nationality laws of the United States, to recommend revisions, particularly with reference to the removal of certain existing discriminations, and to codify those laws into one comprehensive nationality code. In due course the proposed code was submitted to the President, who in turn sent the matter to the Congress of the United States.

The proposed code has been considered for some time by the House Committee on Immigration and Naturalization under H. R. 6127, which committee has held a large number of hearings on the merits of the bill. The House committee seems to have approved the bill and is ready to submit it to the House under H. R. 9980.

Undoubtedly there is a great need for a nationality code, and it is to be hoped that your committee may aid in having the matter considered by the whole House.

With kind regards,

Sincerely yours,

ROBERT H. JACKSON,
Attorney General.

Mr. SABATH. About 4 years ago the President recommended that a commission be created to study a revision of these laws. This commission, as I recollect, was composed of the Secretary of State, the Attorney General, and I believe the Secretary of the Navy. They agreed on and recommended a bill to the Committee on Immigration and Naturalization, and that committee has spent nearly a year through its subcommittee in perfecting and strengthening the provisions of the bill.

Right here I wish to commend and compliment the Committee on Immigration and Naturalization in its splendid work, and I wish to compliment especially the gentleman from Kansas, who has been the chairman of the subcommittee in charge of this work. He has devoted a great deal of time to this matter and has worked diligently and ably on it. He has prepared a report, which was submitted to the President, who also commended the painstaking efforts of the gentleman from Kansas. I hope that others on the left will follow his example, and when it comes to legislating in the interest of the Nation will show the same accord and unanimity that has been displayed by and within the Committee on Naturalization and Immigration.

In view of the fact that there is no opposition to the bill, and that it comes to us with a unanimous report and is approved by various Departments, I shall not detain the House any longer. I reserve the balance of my 30 minutes and now yield 30 minutes to the gentleman from Michigan [Mr. MICHENER].

Mr. MICHENER. Mr. Speaker, this bill, H. R. 9980, contains 98 pages. The report accompanying the bill contains 164 pages. Of course, no member of the Committee on Rules has read the entire bill or the report. I, therefore, shall make no comment on the bill.

The rule provides for consideration of the bill in the House. Under general debate and the 5-minute rule the matter can be thoroughly discussed.

I now yield to the gentleman from New York [Mr. KEOGH] 5 minutes. I may say that the gentleman from New York is the chairman of the Committee on Revision of the Laws, and should know something about this measure.

Mr. KEOGH. Mr. Speaker, I stand before the House at this time with a full consciousness of the difficulties that always confront the Committee on Immigration and Naturalization and which particularly confront that committee in times like these. This bill seeks to revise and codify the immigration and naturalization laws into a nationality code. Of course, I am grateful to the gentleman from Michigan [Mr. MICHENER] for his introductory remark about me, but I asked for this time not so much to talk on the substantive features of this bill but rather to call to the attention of the House a matter which necessarily comes to me in my capacity as chairman of the Committee on Revision of the Laws.

The function of the Congress in enacting laws is an important one. It seems to me, though, that the putting of those laws into form and shape so that the bench and the bar and the general public of the country may know what the laws are and may know where to find them is equally important.

Congress took a step that was perhaps the greatest advance in the method of preparing the laws enacted by the Congress when, in 1926 the first edition of the United States Code was prepared and published. In that code all the laws of a permanent and general nature were codified under 50 separate and individual titles, alphabetically arranged. From the date of the publication of that first edition of the United States Code to this very moment your committee has been classifying all the laws permanent and general in nature that have been passed by each Congress.

We took another forward step in the manner and the method of compiling and codifying laws a year ago last January when, under the jurisdiction of the Committee on Ways and Means, title XXVI of the United States Code, which is known as the Internal Revenue Code, was enacted into positive law. That title is the only title of our present code that is positive law. The remaining titles of the code are simply prima facie statements of what the law is. The reference of that bill to the Ways and Means Committee rather than the Committee on Revision was by unanimous consent.—CONGRESSIONAL RECORD, first session, 76th Congress, page 637.

We now have before us this admittedly huge task that has been performed by the Committee on Immigration and Naturalization. The chairman of the Committee on Rules in his opening remark mentioned that the subcommittee and the committee had been working for months and for years on this codification of the nationality laws. I call the attention of the House to the fact that the bill now before us was introduced on Monday, June 3, and was reported by the standing Committee on Immigration and Naturalization on June 5.

I submit to the House, without passing at all on the merits or demerits of this attempt to codify the nationality laws, that we must be careful in the enactment of these various codes else we will, bit by bit and piece by piece, destroy the effectiveness of the United States Code as a whole. I call your attention particularly to the fact that in the bill before us we have this committee taking from United States Code, title V, on the Executive; title VIII on Aliens; title XVIII on the Criminal Code and Criminal Procedure; title XXVIII on the Judicial Code and Judiciary; title XXXIX on the Postal Service; and title XLVIII on Territories and Insular Possessions, various sections of existing law, and bringing them in under this nationality code, which in all probability will eventually constitute title VIII of the United States Code.

We have pending before this House a resolution to create a joint committee composed of members of the Judiciary Committees of this House and the other body to codify the Judicial Code. I am informed that other standing committees of the House are attempting to codify the laws coming within and under their jurisdiction.

[Here the gavel fell.]

Mr. MICHENER. Mr. Speaker, I yield 5 additional minutes to the gentleman from New York.

Mr. KEOGH. If your Committee on Immigration and Naturalization can in preparing a nationality code draw from at least six titles in the United States Code, there is no earthly reason why any other committee which seeks to codify the laws coming within its jurisdiction cannot draw from all the titles of the United States Code, including even the pending bill which you will probably enact today. So I say that the result of it is going to be that we will have confusion worse confounded by individual and separate efforts to codify the laws of the United States.

I submit to the House that what should be done and what should have been done in this case is that the nationality code or any other revision of any of the existing laws or statutes of the United States should have been referred to the standing committee of this House which has been constituted for that sole purpose, and under the jurisdiction of that committee any codification or even any revision might be taken. That Committee on Revision of the Laws would preserve and protect the structure of the entire United States Code, to the end that we will eventually have a code composed of those 50 titles enacted into positive law. Thereafter any changes, any amendments, or any revisions of the laws will be a relatively simple matter.

What this House does in connection with the nationality code is personally of little importance to me, but what this Congress does with respect to offering the laws it enacts to the people of this country in such a manner that they can more easily determine what the law is and where it is, is very important to me.

I do hope that in the future, if there are standing committees of this House that are working without legislation before them and, therefore, rendering impossible raising any point of order on the jurisdiction of that committee with respect to codifying or revising existing laws, that they will be good enough to advise the House Committee on Revision of the Laws so that we may consider the effect, not of the particular subject that might be before that committee, but rather that we may consider the effect of this codification on the entire code structure.

Mr. MICHENER. Mr. Speaker, will the gentleman yield?

Mr. KEOGH. I yield.

Mr. MICHENER. May I call the gentleman's attention to the fact that the House had this experience in the codification of the United States Code. For a number of years the Committee on Revision of the Laws, as members of the committee—and all good lawyers—attempted to recodify the law. It was a splendid effort but so full of errors and mistakes that it just could not be used. It got as far as the Senate, and now the Committee on Revision of Laws, under the gentleman who is now addressing the House as chairman, has the assistance of experts like the lawbook publishing companies and concerns of that kind that know how to codify and who do the work in a proper manner. I am not reflecting on the Committee on Immigration at all. They are all splendid men, but I am a member of the Judiciary Committee, and I do not think the Judiciary Committee would be qualified by experience to codify without expert assistance.

Mr. KEOGH. I may say to the gentleman from Michigan that I am familiar with the difficulties that were confronting the Congress when they sought to enact the entire United States Code into positive law, and that is the reason the United States Code today is simply prima facie evidence of what the law is. It was in the nature of a saving clause that enabled the creation of this code structure of 50 titles into which all the laws of a permanent and general nature may be classified in their appropriate places, but the Committee on Revision of the Laws of the House, under the precedents of the House, has dealt not only with the codifying of laws or the revising of existing statutes, but in some cases or in certain instances that committee has had referred to it bills which change existing law or which enact new law. [Applause.]

[Here the gavel fell.]

Mr. MICHENER. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio [Mr. JENKINS].

Mr. JENKINS of Ohio. Mr. Speaker, as the gentleman who preceded me has stated, this is not a very easy matter. We are now addressing ourselves to the situation of whether or not we shall adopt this rule. It goes without saying that most likely we will adopt the rule, and as far as I am concerned, I shall not object to the rule because there is no question but that the naturalization and immigration laws of the country are very much confused and need codification. I would not say that these laws are antiquated because the immigration laws and the naturalization laws both are comparatively new, so far as the law goes, as most of the important immigration laws have been passed since 1917. We are not considering here today the laws controlling the admission of individuals into the country or the deportation of them from the country. That is a subject by itself, and the law relating to the admission of immigrants and the expulsion of immigrants is also in such a state that they should be revised and codified. As I understand it, we are dealing today simply with the one subject of naturalization. That means conferring citizenship on those who are here and those who have a right to come. When we start out to confer citizenship we have to investigate as to whether that alien is here properly. That is the first thing to be determined, and if he is, then we proceed to naturalize him. This bill that we are considering will codify the laws on this subject so that they may be more easily understood.

I understand further there are a good many amendments that should be offered to the bill. It is impossible for any one individual to stand here and say this bill is right in every respect or that this is all wrong. Unless he has spent much time on it, it is impossible for him to fit it together, and nobody knows that any better than the lawyers and those who have tried it.

I want to say by way of compliment to our good and distinguished friend, the gentleman from Kansas [Mr. REES] he has spent many days and the days of many months in codifying these laws, working with the office of the Secretary of State and the office of the Secretary of Labor and other Government agencies. In my work in connection with immigration and naturalization I have always found it very satisfactory and very worth while to consult the Secretary of State's office.

I have done that in all my experience here, regardless of whether he was a Republican or a Democrat, because the career men in the office of Secretary of State generally know this subject. They generally know it well. Their idea of how it ought to be administered has always met with my approval. As I understand it, they have worked on this bill. They have spent many hours on it and they have approved most of it. Standing alone I would be willing to accept their approval, but I understand there are some sections that have not entirely met with the approval of the office of Secretary of State, but which have met with the approval of the other departments of Government. I shall withhold my support or refusal to support this bill until I hear more from those who are familiar with its details. I think it behooves all of us who have been for restriction and those who have not been so strong for restriction to understand what is before us. Let us adopt the rule and then let us consider page by page this important codification. Immigration and naturalization are not a difficult subject to understand, because they deal with humanity and with human beings. But the laws on these subjects have been passed piece by piece and need to be reconciled. The question we will want to know eventually is, Does this codification infringe upon fundamental law as we understand it now? If it does, does it infringe in a way to improve it or to weaken it? Then we will govern ourselves accordingly.

Mr. DICKSTEIN. Will the gentleman yield?

Mr. JENKINS of Ohio. I yield.

Mr. DICKSTEIN. There is nothing in this that affects immigration, the quota laws, or anything the gentleman is talking about. We are simply strengthening the arm of the Government with a number of substantive laws to do away with dual nationality; strengthening the arm of the Government dealing with naturalization and other important substantive facts that this Government needs, particularly in this time of emergency.

Mr. JENKINS of Ohio. I am glad to have that assurance from the gentleman, and I hope it works out that way.

[Here the gavel fell.]

Mr. MICHENER. Mr. Speaker, I yield the gentleman 1 additional minute.

I want to say to the gentleman from Ohio, who was a former member of the Committee on Immigration for a number of years, that the House has come to have great respect for his judgment on matters affecting the immigration laws. I realize that he is now a member of the Ways and Means Committee, but I would ask the gentleman if he has given consideration to this bill.

Mr. JENKINS of Ohio. I thank the gentleman for his comments, but I am sorry to say I am not as familiar with this as I should be. But if I have the assurance of the Committee on Immigration that it has gone into this thoroughly, and if this work meets the approval of the experts in the office of the Secretary of State, I shall be glad to support it, because for years I have recognized the necessity for codification.

Mr DICKSTEIN. Will the gentleman yield?

Mr. JENKINS of Ohio. I yield to the gentleman.

Mr. DICKSTEIN. It not only has the approval of the State Department, but also the Department of Justice, the War Department, and every department of our Government, as recently as yesterday.

Mr. JENKINS of Ohio. I am glad to hear that.

[Here the gavel fell.]

Mr. MICHENER. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois [Mr. MASON].

Mr. MASON. Mr. Speaker, I am now the ranking minority member of the Committee on Immigration and Naturalization. I prefer to call this codification a clarification or simplification of the present naturalization laws. It is a problem that has been before us for several years. The departments of Government—the State Department, the Department of Labor, the Attorney General's department—have all been working on it and interested in it and concerned about it. Finally, after years of effort, it has been placed in the shape of this bill.

When the question came up in our committee I was asked to recommend someone from the minority side to act on that subcommittee to work it out. I named the gentleman from Kansas [Mr. REES] and the gentleman from New York [Mr. ROCKEFELLER] on our side as two members who would give it serious and earnest consideration; and they did.

They have discussed this matter with me. This codification, as I understand it, is to simplify and clarify, not particularly amend, although it does in some particulars amend wherever it needs amending, but it amends in the direction of a tightening up of this thing. Our naturalization laws have grown up like Topsy and they conflict and overlap, and there was a real necessity, and has been for years, to straighten them out and codify them so that they can be made workable.

Mr. JENKINS of Ohio. Will the gentleman yield?

Mr. MASON. I yield.

Mr. JENKINS of Ohio. To a student of naturalization it has been patent for a long time that the law ought to be amended and codified for the benefit of the poor immigrant.

Mr. MASON. Yes.

Mr. JENKINS of Ohio. It is not altogether necessary to amend it to put any hardships upon anybody, but to help many fine, poor immigrants who need the law, who need a little sympathy, so that they can get what is coming to them.

Mr. MASON. I wish to say in that regard that when an alien appears in one of our courts and applies for naturalization, there is no orderly questioning. Some courts ask the most ridiculous questions of that alien, and they seem to probe into his ability to answer technical questions rather than questions as to his character, his reputation, his stand-

ing in the community, and how he has acted as a resident preparatory for citizenship. Those things at least ought to be straightened out.

Mr. KERR. Will the gentleman yield?

Mr. MASON. I yield.

Mr. KERR. Knowing the gentleman as I do and having served with him on the committee, I would like to ask if he has thoroughly examined this proposed law?

Mr. MASON. I have not. I have only been consulted on several of the changes that were made. My colleague, the gentleman from Kansas [Mr. REES], who served as acting chairman of the committee who made this report, will answer all the questions on the various parts of the bill.

Mr. KERR. And you know his attitude, however?

Mr. MASON. Yes.

Mr. KERR. And he is in favor of this bill?

Mr. MASON. He is. It was voted out of our committee unanimously.

They say we ought to have had experts working on these things, that we were not capable of doing it. I admit that, but we have had the experts of various departments of the Government working on this for several years.

Mr. KEOGH. Mr. Speaker, will the gentleman yield?

Mr. MASON. I yield.

Mr. KEOGH. I call the gentleman's attention to the fact that one of the sections incorporated in this nationality code deals with the franking privilege accorded the district courts or the Immigration Bureau. I say to the gentleman that if I were a practicing lawyer attempting to find out what rights officials had with respect to the mails, I would more logically look under "Postal Service" than under "Aliens" or any other title of the code. So, from the point of view of immigration officials it may be very good, but we should consider it from the point of view of the public at large.

Mr. MASON. I believe the gentleman is right.

Mr. DICKSTEIN. Mr. Speaker, will the gentleman yield?

Mr. MASON. I yield.

Mr. DICKSTEIN. May I not say to the gentleman from Illinois, the ranking member of my committee on the minority side that the American Bar Association have endorsed this bill in toto. They are happy to know that we are going to do something for the benefit of the country and at the same time plug up a lot of these loopholes that have existed for the last 50 years.

[Here the gavel fell.]

Mr. SABATH. Mr. Speaker, has the gentleman from Michigan any more requests for time?

Mr. MICHENER. I have no more requests for time.

Mr. SABATH. I do not desire to take any additional time with the exception of saying to my colleague from New York that his statement that the bill was introduced early in June of this year would contradict my statement that the committee had the bill before them for a long while. This is a reprint.

Mr. KEOGH. Mr. Speaker, will the gentleman yield?

Mr. SABATH. I yield.

Mr. KEOGH. I did not mean to contradict the gentleman. What I meant was that this committee has indulged in the increasing practice of considering legislation with no bill introduced before the committee. When the hearings are completed the committee then drafts the legislation, and reports it. The Ways and Means Committee does this in almost all instances.

Mr. SABATH. The bill was introduced during the last session of Congress and demand was made for its consideration. If the gentleman had any objection to its reference to the Committee on Immigration and Naturalization he should have raised the point in the House at the time it was referred. The Rules Committee had no jurisdiction to refer the bill to a committee. That power and right is vested in the Speaker, and the Speaker referred the bill to the Committee on Immigration and Naturalization.

Mr. KEOGH. Mr. Speaker, will the gentleman yield for a question?

Mr. SABATH. I yield.

Mr. KEOGH. I am conscious of the fact that a point of order against reference must be made before the bill is reported. I meant to serve notice that our committee proposed to exercise its right with respect to the point of order. We regret that for some reason or for no reason the point of order was not made in this case.

Mr. SABATH. The gentleman is jealous of the rights and prerogatives of his committee, and I am very glad to hear the chairman of a committee seeking additional work, especially when he feels that the work assigned to another committee properly belongs to his own.

I am satisfied now from the speeches I have heard on the part of Members on both sides of the aisle that the bill meets with the approval even of the gentleman from New York notwithstanding the fact the bill was not assigned to his committee.

Mr. Speaker, I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The previous question was ordered.

The resolution was agreed to.

NATIONALITY ACT OF 1940

Mr. DICKSTEIN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 9980) to revise and codify the nationality laws of the United States into a comprehensive nationality code.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 9980, the Nationality Act, 1940, with Mr. WILLIAMS of Missouri in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from New York [Mr. DICKSTEIN] is recognized for 30 minutes, and the gentleman from Kansas [Mr. REES] will be recognized for 30 minutes.

Mr. DICKSTEIN. Mr. Chairman, I yield myself 10 minutes.

The CHAIRMAN. The gentleman from New York is recognized for 10 minutes.

Mr. DICKSTEIN. Mr. Chairman, this proposed legislation will not only be materially beneficial to the country in the future, but particularly so at this time of disturbance and agitation by "fifth columnists" and other subversive groups.

I cannot help saying a word to my good friend the gentleman from New York [Mr. KEOGH], chairman of the Committee on Revision of the Laws. I listened to him very patiently. In the first place, as my colleague the gentleman from Illinois, chairman of the Committee on Rules [Mr. SABATH], said, the gentleman from New York should have made his motion at the proper time. But, Mr. Chairman, even though he had, the bill could not possibly have been referred to the Committee on the Revision of the Laws, because this proposed revision practically fixes substantive law, and where there is a change of substantive law the Committee on Revision of the Laws could not possibly deal with the problem.

Mr. KEOGH. Mr. Chairman, will the gentleman yield?

Mr. DICKSTEIN. In a minute.

Let us briefly review the history of this bill. The gentleman from Ohio [Mr. JENKINS] was a member of the Committee on Immigration back in 1931. In those days both Republicans and Democrats on that committee found themselves troubled with complicated immigration and naturalization laws that contained many loopholes. The committee at that time voted unanimously to call upon the President to ask the departments to study this question. Accordingly, in April of 1933, the President issued an Executive order, which I will incorporate in my remarks, directing the State Department, the Attorney General, and other departments to make a complete study of this whole question.

Five years went by, 5 years of study. Study by whom? The Secretary of State, the Attorney General, the Secretary of Labor, and others. Not until June 13, 1938, did the President send a message to Congress on the subject, which I will incorporate in my remarks. This message submitting the report of the special committee requested this legislation and set forth the reasons why the legislation should be speedily enacted.

This committee does not want to take legislation away from any committee. The fact is that when I introduced this bill embodying the report of the committee, I had hoped that the bill would be referred to some other committee. It was apparent to me that a great amount of work would be involved. I felt that this committee had enough work to do involving needed immigration legislation without taking up this codification of the nationality laws contained in H. R. 6127, and I hesitated to call upon the members to assume the responsibility of reporting a bill involving so much study and research, as the report submitted contained some 1,980 pages of references alone, with numerous other documents which were referred to the committee by the several departments.

So far as I personally was concerned, I would have much preferred to have some other committee consider and report the bill. I knew that there had not been a revision of these nationality laws for almost 35 years; that the laws were scattered through more than 40 statutes; that it had been difficult, if not impossible, to decide definitely under the present law just what the law was in certain circumstances. Therefore, knowing the amount of labor this bill involved, you can readily see that I was not anxious to ask the committee to assume the task of recodification in view of the fact that the committee already had pending a large amount of important immigration legislation.

However, as the legislation was referred to the committee I am very proud to be able to say that the members of the committee made no objection or complaint with reference to the additional work and the subcommittee appointed assumed the task and worked faithfully and long, and finally submitted for consideration of the full committee the result of their labors and the full committee approved and unanimously reported the present bill, 9980.

Let me call to the attention of the Committee just a few of the urgent reasons for the recodification of the nationality laws.

For many years native and naturalized citizens who accumulated wealth through the opportunities afforded in the United States, have gone abroad, purchased chateaus and fine homes in these foreign lands, have spent their money, and the only responsibility as citizens of the United States has been to register at certain intervals as citizens of the United States, but in times of stress have demanded the protection as citizens of the United States.

There are others who, through accident of birth and circumstances have been born in the United States of alien parents, yet can claim citizenship and return at any time, regardless of character or political affiliations or beliefs, that are un-American and a danger to the country.

Not only these alien Americans, but others who now are able to claim citizenship, will be definitely expatriated, for example those who become naturalized in foreign countries, those who renounce their citizenship, deserters from military or naval forces who have been convicted by court martial, those who serve in foreign armies, those voting in the political elections of foreign countries, and others. Children of alien parents or naturalized parents whose parents return to their native land and become naturalized or repatriated. In short, this bill would put an end to dual citizenship and relieve this country of the responsibility of those who reside in foreign lands and only claim citizenship when it serves their purpose.

There has been reference to the fact that legislation of this kind should have had the benefit of legal experts. If any committee ever had the benefit of expert advice and the benefits of persons qualified as experts on the subject, the subcommittee has had such assistance. It has had the assistance and suggestions of an expert committee appointed by the President after 5 long years of study, it has had the benefit of the most expert talent of the Department of State, it has had the benefit of the legal experience of the Department of Justice, in the persons of Messrs. Flournoy, Butler, Shaughnessy, and Shoemaker. It has had before the subcommittee able representatives of the American Bar Association, other associations of attorneys, such as Mr. Noel and Mr. Butler, it has had before its subcommittee representatives of civic organizations and finally it has had the endorsement for this bill of the American Bar Association.

As chairman of the committee I gave considerable study to the report submitted by the President's committee, and I want to give credit that is due to the excellent work of the subcommittee each and every member and especially to the acting subchairman, the gentleman from Kansas, Congressman REES, and I desire to acknowledge the careful consideration given the report of the subcommittee by the full committee, and I am especially proud of the fact that from the Committee on Immigration and Naturalization a unanimous report was made by the full committee. There was not an element of partisanship in the consideration and report on this bill, but it was reported unanimously as a necessary and component part of our defense legislation.

I venture to say that few bills presented to this House have received more careful consideration and painstaking preparation, nor have more individuals, associations, or officials presented their views before a committee on proposed legislation.

Speaking for the full committee I ask that the bill as presented receive quick action.

As stated, I submit the following which is the message of the President commending the legislation and also the letter of submittal of the departments:

MESSAGE OF THE PRESIDENT

To the Congress of the United States of America:

I transmit herewith a report concerning the Revision and Codification of the Nationality Laws of the United States, submitted upon my request, by the Secretary of State, the Attorney General, and the Secretary of Labor. The report is accompanied by a draft code with three appendixes containing explanatory matter, prepared by officials of the three interested departments who are engaged in the handling of cases relating to nationality.

The report indicates the desirability from the administrative standpoint of having the existing nationality laws now scattered among a large number of separate statutes embodied in a single, logically arranged and understandable code. Certain changes in substance are likewise recommended.

In the enclosed letter forwarding the report to me the Secretary of State calls attention to a single question on which there is a difference of opinion between the Departments of Justice and Labor on the one hand and the Department of State on the other hand. If the committees of Congress decide to consider this question, the views of the three departments may be presented directly to them.

I commend this matter to the Congress for the attentive consideration which its wide scope and great importance demand.

FRANKLIN D. ROOSEVELT.

Enclosures: (1) Report. (2) Draft and code and annexes. (3) From the Secretary of State.

THE WHITE HOUSE,
June 13, 1938.

LETTER OF SUBMITTAL

JUNE 1, 1933.

The PRESIDENT,
The White House:

By your Executive order of April 25, 1933, you designated the undersigned a committee to review the nationality laws of the United States, to recommend revisions, and to codify the laws into one comprehensive nationality law for submission to the Congress.

In pursuance of this order a committee of advisers, composed of six representatives of the Department of State, six of the Department of Labor, and one of the Department of Justice, was appointed to study the existing laws governing nationality, and to prepare a draft code, embodying such changes and additions as might seem desirable, together with a report explaining the same. Because of the wide field covered by these laws, the complexity of the problems involved and certain obstacles which could not have been foreseen, the report was not completed until August 13, 1935.

In view of the unusual importance of this subject, which is designed to determine the basic status of nationality itself, upon which so many rights and obligations depend, the draft code mentioned above was thoroughly reviewed by officials of the three Departments, some of whom had taken no part in its preparation.

As a result of this review and of conferences between these officials, various changes were made in the original draft.

While the nationality laws of nearly all foreign states have in recent years been completely revised and codified, the laws of the United States on this subject are found scattered among a large number of statutes, and it is sometimes difficult to reconcile the provisions of different statutes. On the other hand, there are no statutory provisions fixing the nationality status of the inhabitants of certain of the outlying possessions of the United States, including American Samoa and Guam.

The nationality problem in the United States is especially complex and difficult for several reasons. In past years large numbers of persons of foreign origin have come to the United States, have had children born to them in this country, and have subsequently returned to reside in the foreign countries from which they came, or have moved on to other foreign countries, taking their American-born children with them. In some cases the parents while in the United States obtained naturalization as citizens thereof, and in such cases children born to them in foreign countries after such naturalization have acquired citizenship of the United States at birth, under the provision of the existing law (R. S. 1993). Children born in the United States to persons of the classes mentioned acquired at birth citizenship of the United States, and in many cases they also acquired at birth the nationality of the foreign states from which their parents came, thus becoming vested with dual nationality. Dual nationality has also attached at birth to children born in certain foreign countries, having in their law of nationality the territorial rule (jus soli), to parents who acquired American nationality at birth or through naturalization.

The Draft Code submitted herewith is divided into five chapters, as follows: Chapter I, Definitions; Chapter II, Nationality at Birth; Chapter III, Nationality Through Naturalization; Chapter IV, Loss of Nationality; and Chapter V, Miscellaneous.

Since the citizenship status of persons born in the United States and the incorporated territories is determined by the fourteenth amendment to the Constitution, the proposed changes in the law governing acquisition of nationality at birth relate to birth in the unincorporated territories and birth in foreign countries to parents one or both of whom have American nationality. Cases of the latter kind are especially difficult of solution, in view of the necessity of avoiding discrimination between the sexes, and of the fact that, under the laws of many foreign countries, the nationality thereof is acquired through birth in their territories.

With regard to chapter III, it may be observed that naturalization constitutes a vital part of the nationality system of the United States, and the naturalization measures proposed by the committee of advisers constitute a considerable portion of the committee's proposals.

United States citizenship is a high privilege and ought not to be conferred lightly or upon a doubtful showing. The experience of the naturalization courts and administrative officers who have had to deal directly with the problems presented has demonstrated, however, the need for an accurate, comprehensive, and detailed code by which naturalization is to be conferred and any abuse of the process remedied. No alien has the slightest right to naturalization unless all statutory requirements are complied with, and every certificate of citizenship must be treated as granted on condition that the Government may challenge it in regular proceedings for that purpose and demand its revocation unless issued in accordance with statutory requirements.

The proposed code, herewith, represents a studied effort to draft a measure which would conform to the constitutional requirement that the rule of naturalization be "uniform," and facilitate the naturalization of worthy candidates, while protecting the United States against adding to its body of citizens persons who would be a potential liability rather than an asset.

The provisions of chapter IV, Loss of nationality, are of special importance. Loss of nationality is in all cases to result from the existence of stated facts. In this relation mention may be made of the provision of section 501, in which diplomatic and consular officers are required to send to the Department of State reports concerning persons found by them to have committed acts resulting in loss of American nationality under the provisions of chapter IV of the proposed act. It is important to note that such reports are intended merely for the information of the Department of State, the Department of Labor, and any other branches of the Government which may be interested.

Chapter V, Miscellaneous, in addition to the provision of section 501, mentioned above, contains a provision (sec. 502) for the issuance of certificates of nationality, for use in foreign states in cases of American nationals other than naturalized citizens.

The most important changes in the existing laws proposed in the annexed code are as follows:

(1) The provision of section 201 (g) requiring that, in order that a person born abroad may acquire citizenship of the United States at birth when only one of his parents is a citizen of the United States, the latter must have resided 10 years in the United States. The requirement of the existing law concerning residence in the United States as a condition to retention of citizenship has been modified for the benefit of children of persons representing the Government, or American commercial, or other interests.

(2) The provisions of chapter III, concerning the facilitating of naturalization under special conditions, and in particular the following:

The provisions of section 311, for the naturalization, without prior residence in the United States, of the alien spouse of a citizen of the United States residing abroad in the employment of this Government or of organizations of certain specified classes.

The provision of section 314, for the naturalization of a person under 18 years of age upon the petition of a citizen parent; and the similar provision of section 315, for the naturalization of an adopted child.

The provision of section 317 for facilitating the entry into the United States and naturalization, without the usual requirements concerning residence in the United States, of a person who was formerly a citizen of the United States but who became expatriated while residing in a foreign country through the naturalization of a parent therein.

(3) The provisions of chapter IV concerning loss of nationality, especially the following:

The provisions of section 402 concerning loss of nationality by a naturalized citizen as a result of the following acts:

(a) Residing for at least 2 years in the territory of a foreign state of which he was formerly a national or in which the place of his birth is situated, if he acquires through such residence the nationality of such foreign state by operation of the law thereof;

(b) Residing continuously for 3 years in the territory of a foreign state of which he was formerly a national or in which the place of his birth is situated, except as provided in section 404 hereof.

Special mention may also be made of the provision in section 337 of the code for the revocation of naturalization in the case of a person who takes up a permanent residence in his native land or some other foreign country within 10 years (instead of 5 years, as provided in the existing law) after the date of his naturalization.

The problem of the child born abroad to parents of different nationalities was the subject of extended consideration by the committee and finally resulted in the draft of section 201 (g) referred to above which confers American citizenship at birth upon a person born abroad if one of his parents is an American citizen. Prior to the Citizenship Act of May 24, 1934, only the children of American fathers acquired citizenship at birth if they were born abroad. This, however, was changed by the 1934 act so that a woman retaining citizenship after marriage to an alien also transmitted citizenship to her children. In enacting this measure Congress apparently took into consideration the fact that persons born in foreign countries whose fathers were nationals of those countries would be likely to have stronger ties with the foreign country than with the United States, and consequently annexed as a condition for retaining citizenship a 5-year period of residence in this country between the ages of 13 and 18. This condition was equally applicable irrespective of whether the citizen parent was a father or a mother.

It has been recognized, however, that these residence requirements will impose great hardship in some cases. This is especially true where the head of the family is a salaried person residing abroad as a representative of the American Government or some American commercial or other organization. The committee has therefore recommended that in cases of this character the conditions relating to residence during minority shall no longer be imposed. If the citizen parent does not represent the American Government or an American educational, scientific, philanthropic, religious, commercial, or financial organization, the foreign-born child, in order to retain American citizenship, is required under section 201 (g) to reside in the United States 5 years between his thirteenth and his twenty-first birthdays. The committee recommends strengthening the 1934 act in another respect, however, by restricting the right of transmitting citizenship in a case of this kind, through the requirement that the citizen parent should have resided at least 10 years in the United States prior to the birth of the child.

Mention is made above of section 317 of the code. While probably the majority of former American nationals who have been naturalized in foreign states through the naturalization of their parents therein continue to reside in such foreign states, some of them return to the United States to reside, and it seems only reasonable to adopt special provisions to enable the latter to recover their American citizenship if they so desire.

None of the various provisions in the code concerning loss of American nationality, such as those applicable to children born abroad to parents only one of whom has American nationality and persons who, after obtaining American nationality through naturalization, establish a residence abroad, is designed to be punitive or to interfere with freedom of action. They are merely intended to deprive persons of American nationality when such persons, by their own acts, or inaction, show that their real attachment is to the foreign country and not to the United States.

Important reasons for terminating American nationality in cases of persons who reside in foreign countries and have to all intents and purposes abandoned the United States lie in the fact that it will prevent them from transmitting American nationality to their foreign-born children having little or no connection with the United States, and embroiling this Government in controversies which they may have with the governments of the foreign countries in which they reside. The mere presumption of expatriation provided for in section 2 of the act of March 2, 1907, in cases of naturalized citizens residing for 2 years in the foreign states from which they came or 5 years in other foreign states, has proven inadequate. In general the right to protection should be coexistent with citizenship, and a law under which persons residing abroad

are denied the protection of this Government, although they remain citizens of the United States and transmit citizenship to children born abroad, is deemed inconsistent and unreasonable. The admission of an alien to the privilege of American citizenship is subject to the condition that he intends to reside permanently in the United States and perform the duties of citizenship. When a naturalized citizen abandons his residence in the United States and takes up residence in the state of which he was formerly a national, definite termination of his American citizenshp should follow.

Further explanations of the various provisions of the code submitted herewith may be found in the comment on the various articles—appendix 1 herewith. In addition to the code and appendix 1, we also submit herewith the following:

Provisions of the code and corresponding provisions of the existing nationality laws, arranged in parallel columns (appendix 2), and constitutional, statutory, and treaty provisions relating to nationality (appendix 3).

Your committee, in the light of the experience of the interested departments in handling cases presented to them for action, is convinced that it is most desirable to have the nationality laws of the United States revised, and embodied in a single code, the meaning of which may be readily understood. We feel that there is no branch of the law of more importance to the country, or requiring more careful attention, than that branch which governs nationality, determining, as it does, what classes of persons shall compose the national society itself.

The proposals contained in the accompanying draft code are to be regarded merely as suggestions for the use of the appropriate committees of Congress. When the matter is to be considered by these committees, the undersigned will be glad to designate members of their respective departments whose duties involve the handling of citizenship cases to confer with the committees, if that is desired.

Respectfully,

CORDELL HULL,
Secretary of State.
HOMER CUMMINGS,
Attorney General.
FRANCES PERKINS,
Secretary of Labor.

Enclosures: Draft Nationality Code and appendixes 1, 2, and 3, as above.

Mr. REES of Kansas. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. DIRKSEN].

Mr. DIRKSEN. Mr. Chairman, I think, with unusual propriety, I may say to our colleagues on this side of the aisle that in my humble judgment the Congress owes the gentleman from Kansas, ED REES, a great debt of gratitude for the labor which he has earnestly and diligently given a job that is long overdue. One of my first assignments in 1933 was to the Committee on Immigration and Naturalization, where I served in entire felicitous harmony with the chairman, the gentleman from New York [Mr. DICKSTEIN].

That is a very absorbing committee. You deal with hardship, you deal with human nature, you deal with people from all corners of the earth, people who have a full appreciation that this is one spot on the face of the earth where you have certain guaranties of liberty.

It is not strange at all that on the frozen steppes of Russia or in the shadows of Buckingham Palace or along the highway going by Potsdam Palace in Berlin or in all the other corners of the earth there appears a great desire to come to this country. So, manifestly, that puts some execution on the naturalization as well as immigration laws of the country, and in proportion as you try to reconcile those laws to individual cases so they furnish a lot of human drama.

I want to say again to our good friend the gentleman from Kansas [Mr. REES], who has labored on this thing from January to May 1940, and about whom some of the most refreshing and engaging things were said by people like the American Bar Association for the patience, devotion, and tolerance he put in the task, that the Congress does owe him a debt of gratitude.

I remember when I was a member of this committee—and the gentleman from New York [Mr. DICKSTEIN] will bear me out—we undertook to discuss this matter and to urge a codification, compilation, and clarification of these divergent laws, reconciling or ironing out some of the conflicts, and to me it is one of the most amazing things in the jurisprudence of this country. We have a lot of basic laws going away back to 1906. Of course, this whole field of endeavor goes away back to 1789. So that, little by little, there have been accretions, first by this Congress, then by that Congress. Too often a bill would go across the floor and we would not fully appreciate its implications until it got into the statutory law, then had to be interpreted in terms of and in conflict or in reconciliation with existing law that has not been repealed or nullified.

It puts a burden on the ingenuity of the immigration and naturalization administrators of the country. Too often the Congress has not been fair to them in the amount of time and devotion that has been addressed to a problem that is now receiving tremendous emphasis as a result, first, of the fitful and feverish condition that exists in the world today; second, the desire of people to come to these shores; and, third, a general demand in this country that more and more we require some kind of training, some kind of fitness, some kind of assimilation of the American philosophy before the door is open too wide and we extend our hands and say, "Welcome into the fold of American citizenship."

Mr. DICKSTEIN. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield to the gentleman from New York.

Mr. DICKSTEIN. This matter was considered on the basis of equality and justice to all, and no politics was played in its consideration.

Mr. DIRKSEN. I am sure of that.

Mr. DICKSTEIN. I believe every member of the committee did his best to bring about this legislation which is so sorely needed, and has been for the last 7 years. The gentleman from Illinois himself was on this committee when we discussed that very question.

Mr. DIRKSEN. Quite right. I recall when we discussed this whole matter with Mr. Wilbur Carr, later Minister to Czechoslovakia, who was then with the State Department and who had done a tremendous amount of work on it. This is, after all, a job for experts. They set up a technical advisory committee.

I think they have labored on this for 5 or 6 years. So the product that is before us today represents the best thought and industry of the Attorney General's office, the State Department, the Labor Department, the American Bar Association, and other agencies that now give the seal of approval to this bill.

[Here the gavel fell.]

Mr. REES of Kansas. Mr. Chairman, I yield 5 additional minutes to the gentleman from Illinois.

Mr. DIRKSEN. I recall that we sought even way back in 1934 to initiate a compilation and codification. We never quite got up to it until our friend from the plains of Kansas came and addressed his energy and his devotion to the job. So I take off my hat to him.

Let me conclude with this one other observation: There is one thing in this bill that engages my particular attention, and I am happy that it is here. It is a provision that is found on page 37 which authorizes the Commissioner to prescribe the scope and nature of the examination of petitioners for naturalization as to their admissibility to citizenship for the purpose of making appropriate recommendations to the naturalization courts. Such examinations shall be limited to inquiry concerning the applicant's residence, good moral character, understanding of and attachment to the fundamental principles of the Constitution of the United States, and other qualifications, and so forth.

As I understand, there is no prescribed course of examination today set down in the law, so it is sort of hit-and-miss. Here is one Federal judge who may be satisfied if a petitioner can tell him who the Governor is of the State where he has his monetary residence. Here is another judge who will ask him whether he can repeat the first 10 lines of the Declaration of Independence. There is no uniformity. It seems to me that the thing that needs emphasis today above everything else, if we are going to take any pride in this thing that we call American democracy, is to be sure that those who knock on the door for entrance as citizens know a little something about it.

How are you going to make a real American citizen out of somebody who came from foreign shores unless he is first familiar with the basic predicate of citizenship, until he knows what democracy really means, until he has some appreciation

of the American way of life? Way back—further back than I care to recall right now—in the days when I was a dredging contractor up on the Illinois River, I had lots of people march across my pay rolls year in and year out. Some of them had to go through the naturalization court. On occasion I used to go with them. I have had some of these old timers go through who have been here a long time.

To me, it was the most amazing experience that I ever underwent to stand there as a witness and as a coach trying to get these people into citizenship, knowing at the same time their limitations as well as the limitations of the examination to which they were to be subjected.

I shall never forget one who was entered into citizenship because he could recite the name of the Governor of Illinois. He had some difficulty doing it at the time, but he did it, and it was about as much as he knew. I labored with that man on a quarter boat on the Illinois River for months, trying to pound into him what this country meant, how it differed from a foreign country, and what was embraced in the philosophy of democracy and Americanism.

Too often, you know, it sort of recedes. I recognize the difficulties on both sides. A man has come here and been over here 30 or 40 years. He becomes 60 years of age. It is a pretty hard matter to sit down by the light of a kerosene lamp out in the sticks somewhere and take him over and over it, just as you would a child in the first grade, and seek to bring him up on the pabulum of Americanization. Yet if we are going to hold our own, if we are going to keep this lamp alight, if we are going to set an example for all the rest of the world, then it becomes imperative as we go along that to those who knock on the door and say, "Uncle Sam, I would like to be a citizen of your country," we have the right to say, "You qualify," and show him the basis on which he must qualify.

Heretofore, it has been hit-and-miss. This bill contains a provision whereby they can prescribe certain qualifications and a certain, shall I say, course that has continuity and that leads up to an ultimate result, and that is an appreciation of democracy and a capacity for assimilation.

So once more I take off my hat to my esteemed friend from Kansas for the grand job he has done. It was a laborious task, and the Congress owes him a debt of gratitude. [Applause.]

Mr. REES of Kansas. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, I should like the gentleman from Illinois, as well as the other members who have spoken, to know that I appreciate the fine compliments that have been extended to me, to which I feel I am not really entitled. I do want to share these compliments with the representatives of the Department of State, the Department of Justice, and the War Department, together with the representatives of the American Bar Association, who diligently and unceasingly worked in an effort to bring about the legislation that is proposed this afternoon.

I only wish that a larger percentage of the members were a little more interested in this legislation. I believe we ought to be interested in this measure, because it is, I believe, one of the most important pieces of legislation that has come before this House during the present session.

The purpose of H. R. 9980 is to revise and codify the nationality laws of the United States, as has been suggested, in a comprehensive nationality code. We have tried here to put into systematic order a consolidation and a restatement of the laws of citizenship, naturalization, and expatriation. A further purpose, so you will not be mistaken, is to amend the law with a view to making it more workable and to strengthen it where experience has found it to be weak or vague in its terms, and a further purpose is to repeal obsolete and conflicting, as well as undesirable, provisions of the present law.

The code is arranged in five chapters: Chapter I, Definitions; Chapter II, Nationality at Birth; Chapter III, Nationality Through Naturalization; Chapter IV, Expatriation; and Chapter V, Miscellaneous.

As I have told you before, this code is the result of years of study, as the gentleman from Ohio [Mr. JENKINS] stated, on the part of career men, in the Immigration and Naturalization Service, the State Department and the Department of Justice, together with representatives of the War Department. Subcommittee hearings were held on this bill and technical advice was received from representatives of these departments, and their representatives cooperated with the subcommittee 100 percent. The American Bar Association, through a special committee, gave this code its careful study, and the code has its approval today, and so far as I know, no particular organized group appeared against it, at least before our committee. And right now the State Department, the Department of Justice, and the War Department not only are supporting the bill, but are extremely anxious that it be passed. This is the reason the bill is on the floor this afternoon. I think that it is well to state also that this measure comes within the category of emergency legislation, and it is certainly in the best interests of national defense.

The bill provides for a tightening up as well as a definite enforcement of our nationality laws, and if there is any place in this measure where there is any more laxity provided than at the present time, either directly or indirectly, I do not know about it. Personally, I think the bill should be passed as it is presented to you with the exception of a few amendments that are going to be offered by the committee. One amendment especially is a corrective one, because when this bill came out of the committee the Immigration and Naturalization Service was under the Department of Labor, while it is now under the Department of Justice.

I would like to point out briefly, if I may, some of the defects existing in the nationality laws and call attention to some of the changes made in the proposed code; and, before going on, I would like to call attention to this fact: That most of the procedure followed by the Immigration and Naturalization Service is based upon rules and regulations which they have promulgated from time to time, sustained by opinions of the Attorneys General through the years. This situation prevails because there was no definite, basic law governing the particular question involved. We even have two or three important court decisions that are based largely upon the opinions of Attorneys General, opinions that were handed down years ago. The famous Elge case had to do with the question of whether or not a child who was born in this country, taken to the old country in her infancy, and who then returned and claimed citizenship was a citizen of this country. The Supreme Court decision quotes in particular the opinion of the Attorney General on the question rather than any particular interpretation of a basic law.

One of the principal defects now found in the statutes beginning with the act of 1802, is drafting, which in many cases is vague, uncertain, and not clear, and notwithstanding the various court decisions in which it has been sought to clarify the laws, the meaning is still unsettled. For example, right now it is impossible to say with any degree of certainty what the law actually is on the subject of naturalization of minors through the naturalization of their parents. We do not have anything definite on that question. Surely, the law ought to be stated in such manner that individuals directly interested would be able to ascertain whether or not they are citizens of the United States. It is equally important from the standpoint of the safety and the general welfare of the country that the several departments of the Government should be able to determine without any great difficulty whether certain individuals are or are not citizens of the United States.

The situation ought to be more clean-cut than it is now, because of the duty of the Government to protect citizens abroad, and because of the fact that one who is a citizen of the United States has the right to reenter this country regardless of his character, regardless of his political views, and regardless of any criminal record he may have. If he has once become a citizen of the United States and has not lost that citizenship, it does not make any difference what kind of

a record he has, he still has the right to come back into the United States.

Not only do the nationality laws need clarifying and orderly arrangement in a single code, but substantive changes are necessary in connection with certain rights, with a view to preventing persons who have no real attachment to the United States from enjoying the high privilege of American nationality.

Mr. HANCOCK. Mr. Chairman, will the gentleman yield?

Mr. REES of Kansas. I yield to the distinguished gentleman from New York.

Mr. HANCOCK. Is the codified law brought down to date? Does it include the provision of the Smith Act, which called for the fingerprinting of aliens?

Mr. REES of Kansas. It does not. The Smith Act was passed since that time.

Mr. HANCOCK. Since this bill was introduced?

Mr. REES of Kansas. Yes; that is correct.

Mr. HANCOCK. So this does not include all the statutes dealing with aliens?

Mr. REES of Kansas. I believe two statutes are not included, which were enacted after this bill was recommended for passage by the committee.

Mr. HANCOCK. Could not the bill be amended to include those additional provisions?

Mr. REES of Kansas. Yes; I believe it could.

Mr. HANCOCK. And would that not be wise?

Mr. REES of Kansas. Yes; I am sure it would be the wise thing to do.

[Here the gavel fell.]

Mr. REES of Kansas. Mr. Chairman, I yield myself 5 additional minutes.

Mr. MICHENER. Will the gentleman yield?

Mr. REES of Kansas. Yes; I am always glad to yield to my distinguished colleague the gentleman from Michigan.

Mr. MICHENER. I have glanced over the report in this matter. There are not a great many Members paying close attention to the debate. The reason for that is because they know the members of the committee have given a lot of attention to this very technical matter. I say to the gentleman from Kansas that he could have no greater compliment paid to him in connection with this matter than the fact that this bill is going to be passed unanimously, or almost unanimously, possibly without a roll call, relying entirely upon the standing of the gentleman, together with the other Members serving with him on his committee.

Mr. REES of Kansas. I appreciate the compliment extended to me.

Mr. MASON. And you feel the additional responsibility upon you?

Mr. REES of Kansas. Yes; I do, and I thank the gentleman from Illinois for his observation.

Now, one of the most important features of this legislation relates to the acquisition of citizenship in cases of persons born abroad to parents of whom one is a citizen of the United States and the other parent is an alien. The existing law is so lax that it confers citizenship at birth upon persons who are not at all likely to be American in character or become imbued with American principles.

Reference is made to section 1 of the act of May 1934, amending section 1993 of the Revised Statutes, that provides for the acquisition of citizenship in case of a child born abroad to an American mother married to an alien, as well as one born abroad to an American father married to an alien. While this statute requires specifically that the parent should have resided in the United States prior to the birth of the child, it does not require that he or she should have resided in this country for any specified length of time.

It may be that I will not have time to discuss this bill as fully as I should, and I want to call attention to one thing which I do not think you realize that is extremely important. That is this: Do you know that a man and his wife who are Italians may come to this country and become naturalized, then return to Italy and have children born to them abroad while they are still citizens of this country, or go to Germany or some other country, and yet those children who have never been in this country are citizens of the United States, because both of their parents were American citizens when the children were born. These children continue to be citizens of the United States unless they voluntarily perform some act of expatriation.

There are thousands of them abroad now who have dual citizenship. That is, they have citizenship of some foreign country and at the same time claim citizenship in the United States. We do not know how many there are. Nobody can tell. The State Department does not know. The Immigration and Naturalization Service does not know. But nevertheless that situation exists. This measure attempts to terminate such claims of citizenship. This is something that has never heretofore been attempted. So if no other reason existed, then the correction of this laxity in our naturalization laws would be sufficient reason for the passage of this legislation. This measure provides that after a 2-year period from the passage of this act, those individuals just described who may be citizens of the United States are forever barred from claiming such citizenship, unless they come to this country and establish permanent residence. However, section 201 (g) of the code requires that the citizen parent, in order to transmit citizenship to a child born abroad, should have had—

> Ten years' residence in the United States or one of its outlying possessions, at least 5 of which were after attaining the age of 16 years.

Very important changes are found in chapter IV—Loss of nationality. Section 401 thereof not only clarifies the law concerning the loss of nationality as a result of naturalization during minority in a foreign state through the naturalization of a parent therein but specifies certain acts causing loss of American nationality, including entry into a foreign army, acceptance of an office under a foreign government, and voting in a political election in a foreign state.

Section 402 was adopted upon the special recommendation of the War Department with a view to checking the activities of persons regarded as prospective "fifth columnists." This section provides for a presumption of loss of American nationally in the case of a person born in the United States—

> When he shall remain for 6 months or longer within any foreign state of which he or either of his parents shall have been a national according to the laws of such foreign state, or within any place under control of such foreign state.

Sections 404–406 contain very important provisions under which persons who have been naturalized in this country will lose their American nationality as a result of protracted residence in foreign countries. In the case of one residing in his native land, nationality is lost after a residence of 2 years, if as a result of such residence he acquires the nationality of the foreign state in which he resides. If he does not acquire such nationality, American nationality is lost as a result of 3 years' residence in the native land. Residence of 5 years in any other foreign state has the same result. Certain exceptions are provided in sections 405 and 406. The principal exceptions relate to persons residing abroad to represent the Government of the United States, or American interests of certain specified classes.

The provisions just mentioned are deemed to be distinctly preferable to the provisions in section 2 of the act of March 2, 1907, under which a mere presumption of loss of citizenship arises, in the case of a naturalized citizen who has resided for 2 years in any other foreign state. The courts have held that this presumption means merely a loss of the right to the protection of this Government, and not a loss of American nationality itself. Therefore, under the existing law, a naturalized citizen, notwithstanding the fact that he has been granted naturalization upon the understanding that he intended to reside permanently in the United States, may reside for any number of years in a foreign state, even though it be his native land, without losing his American nationality. Such a person is not likely to have any real attachment to the principles of the Constitution of the United States. However, he has a right, whenever he pleases,

to return to the United States as a citizen thereof. Furthermore, he may marry a citizen of the foreign country in which he resides and transmit citizenship to children born therein.

As already indicated, officials of this Government, regardless of party connections, have for many years been convinced that there is great need of revising the nationality laws of the United States in such a way that the acquisition and retention of American nationality would be based upon realities. They deemed such changes necessary to further the welfare and protect the interests of this country. Conditions which have arisen in various countries since the inauguration of the project to revise and codify these laws—have made it even more important than it was before.

Mr. SIMPSON. Will the gentleman yield?

Mr. REES of Kansas. Yes; I yield to my good friend from Pennsylvania.

Mr. SIMPSON. Would the gentleman care to explain how a revocation of naturalization which has once been issued may be brought about? I refer particularly to an instance of where there is fraud evidenced at the time the application for citizenship is made.

Mr. REES of Kansas. That is to say, if an individual has received a certificate of naturalization by fraud, then the gentlemen's question is, How do you go about it to revoke it later on?

Mr. SIMPSON. Yes.

Mr. REES of Kansas. Does the gentleman have that section before him?

Mr. SIMPSON. Yes. It is 338.

[Here the gavel fell.]

Mr. REES of Kansas. Mr. Chairman, I yield myself 2 additional minutes.

There are a number of grounds upon which the certificate may be revoked. For example, it may be discovered that the person granted naturalization had committed a felony before his certificate was granted, or it might be learned that he entered this country illegally, or made false representations at the time he filed his petition.

Mr. NORRELL. Will the gentleman yield?

Mr. REES of Kansas. Yes; I shall be glad to yield.

Mr. NORRELL. Is there anything in the bill providing for revocation of citizenship where a naturalized citizen becomes an undesirable person, such as becoming a believer in the philosophy of communism, or something like that? If he becomes a strong advocate of these foreign "isms," is there anything in the bill whereby we might revoke his citizenship?

Mr. REES of Kansas. The old law denies citizenship to anarchists, believers in polygamy, and some other classes. Under this bill, we believe we have covered the question of fascism, nazi-ism, communism, or any other "ism," although they are not specifically mentioned by name. Provision is made for careful investigation into the applicant's attitude in these matters, both at the time he files his declaration and when he takes out his final papers.

Mr. NORRELL. In other words, if he is that kind of person to begin with, he cannot become naturalized?

Mr. REES of Kansas. The gentleman is right.

Mr. NORRELL. And if he gets that way afterward, I assume the bill contains provisions whereby the naturalization may be revoked.

Mr. REES of Kansas. It is my opinion that it would be.

Mr. JENKINS of Ohio. Mr. Chairman, will the gentleman yield?

[Here the gavel fell.]

Mr. REES of Kansas. Mr. Chairman, I yield myself 2 additional minutes.

Right here I should like to call attention of Members of the House to section 305, beginning on page 10 and running over to page 13:

No person shall hereafter be naturalized as a citizen of the United States—

(a) Who advises, advocates, or teaches, or who is a member of or affiliated with any organization, association, society, or group that advises, advocates, or teaches opposition to all organized government; or

(b) Who believes in, advises, advocates, or teaches, or who is a member of or affiliated with any organization, association, society, or group that believes in, advises, advocates, or teaches—

1. The overthrow by force or violence of the Government of the United States or of all forms of law; or

2. The duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers (either of specific individuals or of officers generally) of the Government of the United States, or any other organized government, because of his or their official character; or

3. The unlawful damage, injury, or destruction of property; or

4. Sabotage; or

(c) Who writes, publishes, or causes to be written or published, or who knowingly circulates, distributes, prints, or displays, or knowingly causes to be circulated, distributed, printed, published, or displayed or who knowingly has in his possession for the purpose of circulation, distribution, publication, or display any written or printed matter advising, advocating, or teaching opposition to all organized government, or advising, advocating, or teaching:

1. The overthrow by force or violence of the Government of the United States or of all forms of law; or

2. The duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers (either of specific individuals or of officers generally) of the Government of the United States or of any other organized government; or

3. The unlawful damage, injury, or destruction of property; or

4. Sabotage; or

(d) Who is a member of or affiliated with any organization, association, society, or group that writes, circulates, distributes, prints, publishes, or displays, or causes to be written, circulated, distributed, printed, published, or displayed, or that has in its possession for the purpose of circulation, distribution, publication, issue, or display, any written or printed matter of the character described in subdivision (c).

For the purpose of this section:

1. The giving, loaning, or promising of money or anything of value to be used for the advising, advocacy, or teaching of any doctrine above enumerated shall constitute the advising, advocacy, or teaching of such doctrine; and

2. The giving, loaning, or promising of money or anything of value to any organization, association, society, or group of the character above described shall constitute affiliation therewith, but nothing in this paragraph shall be taken as an exclusive definition of advising, advocacy, teaching, or affiliation.

The provisions of this section shall be applicable to any applicant for naturalization who at any time within a period of 10 years immediately preceding the filing of the petition for naturalization is, or has been, found to be within any of the classes enumerated in this section, notwithstanding that at the time petition is filed he may not be included in such classes.

Mr. JENKINS of Ohio. Is it not true that in the kind of case described by the gentleman from Arkansas citizenship is revoked as a part of the sentence of expulsion? When the man is found deportable and is deported, generally his citizenship is revoked. While I am on my feet will the gentleman yield for a question?

Mr. REES of Kansas. Yes; I yield to the distinguished Member from Ohio, a former member of the Committee on Immigration and Naturalization, who has given these questions careful study.

Mr. JENKINS of Ohio. As I understand it, when you start out to codify the laws you do not start out primarily to change any law.

Mr. REES of Kansas. That is right.

Mr. JENKINS of Ohio. And as you proceed the burden will be not to change any law, but assume you meet up with a situation not covered by any law, that you have come to the place where the law does not speak but is silent, will the gentleman tell us what he has done in such a situation? Has he inserted a law to meet the situation?

Mr. REES of Kansas. We certainly have. We have tried to met every contingency and have made a special effort to make this measure definite and workable.

Mr. JENKINS of Ohio. Have inconsistencies been taken care of?

Mr. REES of Kansas. Yes, the existing inconsistencies have been eliminated. We have tried to make this code as fair and complete as possible. Our subcommittee with the help and advice of these officials from the Department of State, the Department of Justice, and the War Department who have had years and years of experience in dealing with these problems feel we have produced a very complete and clean-cut measure.

Mr. JENKINS of Ohio. One more question, if the gentleman will permit. I believe the gentleman is familiar with the

American coalition, which is the outstanding restrictive immigration organization. Am I correct in understanding that the gentleman is ready to offer certain amendments to take care of suggestions they made.

Mr. REES of Kansas. We believe we have already met practically all of the important criticisms. We are going to offer amendments that we believe will take care of the most important questions raised. I regret that Mr. Trevor, who sent out that letter, did not appear personally before the committee. I am not criticizing him for not appearing, but if he were interested—and I know he was—I regret that he did not come before the committee to present his views while we were considering this legislation. We would have been glad to have his suggestions.

[Here the gavel fell.]

The CHAIRMAN. All time allowed the gentleman under the rule has expired.

Mr. DICKSTEIN. Mr. Chairman, I yield 3 minutes to the gentleman from Kansas [Mr. REES].

Mr. SPARKMAN. Mr. Chairman, will the gentleman yield?

Mr. REES of Kansas. I yield.

Mr. SPARKMAN. I notice in the bill a distinction is made between nationals and citizens. Can the gentleman give us an example of the kind of person who would be a national but not a citizen?

Mr. REES of Kansas. Yes. The gentleman has asked an important question. It is one of the questions that was raised by Mr. Trevor: Can an individual be a national but not a citizen. All citizens, of course, are nationals, but in some of our outlying possessions we have those who owe allegiance to the United States but who are not citizens of the United States; for instance, a native of Guam is one of our nationals but not a citizen. Have I answered the gentleman's question?

Mr. SPARKMAN. The gentleman has.

Mr. MONRONEY. Mr. Chairman, will the gentleman yield?

Mr. REES of Kansas. I yield.

Mr. MONRONEY. The gentleman has made a very interesting statement on the bill. He made a statement a moment ago about American citizens who reside in foreign countries for 2 years losing their citizenship in this country. Has ample care been taken, however, to protect Americans who are detained for as long as 5 years because of business requirements?

Mr. REES of Kansas. Yes; that situation has been properly safeguarded in the bill.

If aliens who are naturalized return to the country of their origin and stay 2 years and do anything that would identify them as a citizen of that country, for instance, voting or taking part in an election, it would cause them to lose their citizenship. If they go back to their home countries and stay for 3 years they lose their citizenship under those circumstances. If they go to any other foreign country and stay for 5 years they lose their citizenship except only for the provisions set forth in this bill.

Mr. DICKSTEIN. Mr. Chairman, will the gentleman yield for a question?

Mr. REES of Kansas. I am glad to yield to my distinguished chairman.

Mr. DICKSTEIN. And American citizens who go abroad and participate in elections, vote in elections, or participate in wars for dictators are also in the same class.

Mr. REES of Kansas. That is right. I probably should emphasize the fact that the bill contains a provision whereby if a naturalized citizen of this country goes abroad and stays for a period of more than 6 months the burden rests upon him to show that he has not served in a foreign army. This is a new provision of law and is regarded as being especially important in view of the world situation today.

Mr. JENKINS of Ohio. Mr. Chairman, will the gentleman yield?

Mr. REES of Kansas. Yes; I am glad to yield.

Mr. JENKINS of Ohio. I presume, of course, that such an individual could go before the proper official in the State Department and indicate before he goes what he expects to do and in that way expedite his return.

Mr. REES of Kansas. Yes; that is right.

Mr. KELLER. Mr. Chairman, will the gentleman yield?

Mr. REES of Kansas. I yield.

Mr. KELLER. What evidence must such an individual submit on his return, anything but his own testimony?

Mr. REES of Kansas. The consul abroad may accept the individual's own testimony or may require additional evidence to establish that this section of the act has not been violated.

Mr. KELLER. I rather gather there is no fundamental change in the law that would not be agreed to readily.

Mr. REES of Kansas. That is correct.

[Here the gavel fell.]

Mr. DICKSTEIN. Mr. Chairman, I yield 5 minutes to the gentleman from Alabama [Mr. SPARKMAN].

Mr. SPARKMAN. Mr. Chairman, when I first came to Congress it was my pleasure to serve as a member of the Committee on Immigration and Naturalization. I enjoyed the work very much. I found it to be one of the earnest, hard-working committees of this House and many times I heard the chairman of that committee, the gentleman from New York [Mr. DICKSTEIN] bring out the fact that codification and revision of the statutes pertaining to immigration and naturalization, and to the control of those features pertaining to citizenship was badly needed.

I want to congratulate him on the appointment of this subcommittee, and especially do I want to congratulate the gentleman from Kansas [Mr. REES] for bringing out this bill and report as well as for the work he has done on it. May I add my word of tribute to that of others to Mr. Shaughnessy, of the Immigration and Naturalization Service. He has always been one of the most faithful, capable, and dependable workers aiding the Committee on Immigration and Naturalization. The same thing may be said of Mr. Shoemaker and others who I know have worked faithfully in the preparation of this measure.

I do not know of any argument in favor of this measure better than the message of the President when he transmitted to the Congress of the United States a recommendation pertaining to such needs. I want to read a part of that message date June 13, 1938:

To the Congress of the United States of America:

I transmit herewith a report concerning the Revision and Codification of the Nationality Laws of the United States, submitted upon my request, by the Secretary of State, the Attorney General, and the Secretary of Labor. The report is accompanied by a draft code with three appendices containing explanatory matter, prepared by officials of the three interested departments who are engaged in the handling of cases relating to nationality.

The report indicates the desirability from the administrative standpoint of having the existing nationality laws now scattered among a large number of separate statutes embodied in a single, logically arranged, and understandable code. Certain changes in substance are likewise recommended.

In the enclosed letter forwarding the report to me the Secretary of State calls attention to a single question on which there is a difference of opinion between the Departments of Justice and Labor on the one hand and the Department of State on the other hand. If the committees of Congress decide to consider the question, the views of the three departments may be presented directly to them.

I commend this matter to the Congress for the attentive consideration which its wide scope and great importance demand.

Attached to that message was letter of submittal signed by the Honorable Cordell Hull, Secretary of State; Mr. Homer Cummings, Attorney General; and Mme. Perkins, Secretary of Labor.

This committee has labored long and faithfully on this matter and it has brought out what I believe to be a very able work and a very clear report. I think it would be helpful to every Member if he would get a copy of the report, keep it and study the proposed code as contrasted with the existing laws. I am pleased with the reaction that this work has received, and I am happy to see the virtual unanimous approval of this measure.

[Here the gavel fell.]

Mr. DICKSTEIN. Mr. Chairman, I have no further requests for time.

The Clerk read as follows:

Be it enacted, etc., That the nationality laws of the United States are revised and codified as follows:

TITLE I

SECTION 1. This act may be cited as the Nationality Act of 1940.

CHAPTER I—DEFINITIONS

SEC. 101. For the purposes of this act—

(a) The term "national" means a person owing permanent allegiance to a State.

(b) The term "national of the United States" means (1) a citizen of the United States, or (2) a person who, though not a citizen of the United States, owes permanent allegiance to the United States.

(c) The term "naturalization" means the conferring of nationality of a State upon a person after birth.

(d) The term "United States" when used in a geographical sense means the continental United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands of the United States.

(e) The term "outlying possessions" means all territory, other than as specified in subsection (d), over which the United States exercises rights of sovereignty, except the Canal Zone.

(f) The term "parent" includes in the case of a posthumous child a deceased parent.

(g) The term "minor" means a person under 21 years of age.

SEC. 102. For the purposes of chapter III of this act—

(a) The term "State" includes (except as used in subsection (a) of section 301), Alaska, Hawaii, the District of Columbia, Puerto Rico, and the Virgin Islands of the United States.

(b) The term "naturalization court," unless otherwise particularly described, means a court authorized by subsection (a) of section 301 to exercise naturalization jurisdiction.

(c) The term "clerk of court" means a clerk of a naturalization court.

(d) The terms "Commissioner" and "Deputy Commissioner" mean the Commissioner of Immigration and Naturalization and a Deputy Commissioner of Immigration and Naturalization, respectively.

(e) The term "Secretary" means the Secretary of Labor.

(f) The term "Service" means the Immigration and Naturalization Service of the United States Department of Labor.

(g) The term "designated examiner" means an examiner or other officer of the Service designated under section 333 by the Commissioner.

(h) The term "child" includes a child legitimated under the law of the child's residence or domicile, whether in the United States or elsewhere; also a child adopted in the United States, provided such legitimation or adoption takes place before the child reaches the age of 16 years and the child is in the legal custody of the legitimating or adopting parent or parents.

SEC. 103. For the purposes of subsections (a), (b), and (c) of section 404 of this act, the term "foreign state" includes outlying possessions of a foreign state, but does not include self-governing dominions or territory under mandate, which, for the purposes of these subsections, shall be regarded as separate states.

SEC. 104. For the purposes of sections 201, 307 (b), 403, 404, 405, 406, and 407 of this act, the place of general abode shall be deemed the place of residence.

CHAPTER II—NATIONALITY AT BIRTH

SEC. 201. The following shall be nationals and citizens of the United States at birth:

(a) A person born in the United States and subject to the jurisdiction thereof;

(b) A person born in the United States to a member of an Indian, Eskimo, Aleutian, or other aboriginal tribe: *Provided*, That the granting of citizenship under this subsection shall not in any manner impair or otherwise affect the right of such person to tribal or other property;

(c) A person born outside of the United States and its outlying possessions of parents both of whom are citizens of the United States and one of whom has resided in the United States or one of its outlying possessions prior to the birth of such person;

(d) A person born outside of the United States and its outlying possessions of parents one of whom is a citizen of the United States who resided in the United States or one of its outlying possessions prior to the birth of such person, and the other of whom is a national but not a citizen of the United States;

(e) A person born in an outlying possession of the United States of parents one of whom is a citizen of the United States who resided in the United States or one of its outlying possessions prior to the birth of such person;

(f) A child of unknown parentage found in the United States, until shown not to have been born in the United States;

(g) A person born outside the United States and its outlying possessions of parents one of whom is a citizen of the United States who, prior to the birth of such person, has had 10 years' residence in the United States or one of its outlying possessions, at least 5 of which were after attaining the age of 16 years, the other being an alien: *Provided*, That, in order to retain such citizenship, the child must reside in the United States or its outlying possessions for a period or periods totaling 5 years between the ages of 13 and 21 years: *Provided further*, That, if the child has not taken up a residence in the United States or its outlying possessions by the time he reaches the age of 16 years, or if he resides abroad for such a time that it becomes impossible for him to complete the 5 years' residence in the United States or its outlying possessions before reaching the age of 21 years, his American citizenship shall thereupon cease.

The preceding provisos shall not apply to a child born abroad whose American parent is at the time of the child's birth residing abroad solely or principally in the employment of the Government of the United States or a bona fide American educational, scientific, philanthropic, religious, commercial, or financial organization, having its principal office or place of business in the United States, or an international agency of an official character in which the United States participates, for which he receives a substantial compensation;

(h) The foregoing provisions of subsection (g) concerning retention of citizenship shall apply to a child born abroad subsequent to May 24, 1934.

SEC. 202. All persons born in Puerto Rico on or after April 11, 1899, subject to the jurisdiction of the United States, residing on the effective date of this act in Puerto Rico or other territory over which the United States exercises rights of sovereignty and not citizens of the United States under any other act, are hereby declared to be citizens of the United States.

SEC. 203. (a) Any person born in the Canal Zone on or after February 26, 1904, and whether before or after the effective date of this act, whose father or mother or both at the time of the birth of such person was or is a citizen of the United States, is declared to be a citizen of the United States.

(b) Any person born in the Republic of Panama on or after February 26, 1904, and whether before or after the effective date of this act, whose father or mother or both at the time of the birth of such person was or is a citizen of the United States employed by the Government of the United States or by the Panama Railroad Co., is declared to be a citizen of the United States.

SEC. 204. Unless otherwise provided in section 201, the following shall be nationals, but not citizens, of the United States at birth:

(a) A person born in an outlying possession of the United States of parents one of whom is a national, but not a citizen, of the United States;

(b) A person born outside the United States and its outlying possessions of parents both of whom are nationals, but not citizens, of the United States, and have resided in the United States or one of its outlying possessions prior to the birth of such person;

(c) A child of unknown parentage found in an outlying possession of the United States, until shown not to have been born in such outlying possession.

SEC. 205. The provisions of section 201, subsections (c), (d), (e), and (g), and section 204, subsections (a) and (b), hereof apply, as of the date of birth, to a child born out of wedlock, provided the paternity is established during minority, by legitimation, or adjudication of a competent court.

In the absence of such legitimation or adjudication, the child, if the mother had the nationality of the United States at the time of the child's birth, and had previously resided in the United States or one of its outlying possessions, shall be held to have acquired at birth her nationality status.

CHAPTER III—NATIONALITY THROUGH NATURALIZATION

GENERAL PROVISIONS

Jurisdiction to naturalize

SEC. 301. (a) Exclusive jurisdiction to naturalize persons as citizens of the United States is hereby conferred upon the following specified courts: District courts of the United States now existing, or which may hereafter be established by Congress in any State, District Courts of the United States for the Territories of Hawaii and Alaska, and for the District of Columbia and for Puerto Rico, and the District Court of the Virgin Islands of the United States; also all courts of record in any State or Territory now existing, or which may hereafter be created, having a seal, a clerk, and jurisdiction in actions at law or equity, or law and equity, in which the amount in controversy is unlimited. The jurisdiction of all the courts herein specified to naturalize persons shall extend only to such persons resident within the respective jurisdictions of such courts, except as otherwise specifically provided in this act.

(b) A person who petitions for naturalization in any State court having naturalization jurisdiction, may petition within the State judicial district or State judicial circuit in which he resides, whether or not he resides within the county in which the petition for naturalization is filed.

(c) The courts herein specified, upon request of the clerks of such courts, shall be furnished from time to time by the Commissioner or a deputy commissioner with such blank forms as may be required in naturalization proceedings.

(d) A person may be naturalized as a citizen of the United States in the manner and under the conditions prescribed in this act, and not otherwise.

SUBSTANTIVE PROVISIONS

Eligibility for naturalization

SEC. 302. The right of a person to become a naturalized citizen of the United States shall not be denied or abridged because of sex or because such person is married.

SEC. 303. The right to become a naturalized citizen under the provisions of this Act shall extend only to white persons, persons

of African nativity or descent, and descendants of races indigenous to the Western Hemisphere: *Provided*, That nothing in this section shall prevent the naturalization of native-born Filipinos having the honorable service in the United States Army, Navy, Marine Corps, or Coast Guard as specified in section 324, nor of former citizens of the United States who are otherwise eligible to naturalization under the provisions of section 317.

SEC. 304. No person except as otherwise provided in this act shall hereafter be naturalized as a citizen of the United States upon his own petition who cannot speak the English language. This requirement shall not apply to any person physically unable to comply therewith, if otherwise qualified to be naturalized.

SEC. 305. No person shall hereafter be naturalized as a citizen of the United States—

(a) Who advises, advocates, or teaches, or who is a member of or affiliated with any organization, association, society, or group that advises, advocates, or teaches opposition to all organized government; or

(b) Who believes in, advises, advocates, or teaches, or who is a member of or affiliated with any organization, association, society, or group that believes in, advises, advocates, or teaches—

(1) the overthrow by force or violence of the Government of the United States or of all forms of law; or

(2) the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers (either of specific individuals or of officers generally) of the Government of the United States or any other organized government, because of his or their official character; or

(3) the unlawful damage, injury, or destruction of property; or

(4) sabotage.

(c) Who writes, publishes, or causes to be written or published, or who knowingly circulates, distributes, prints, or displays, or knowingly causes to be circulated, distributed, printed, published, or displayed, or who knowingly has in his possession for the purpose of circulation, distribution, publication, or display any written or printed matter advising, advocating, or teaching opposition to all organized government, or advising, advocating, or teaching—

(1) the overthrow by force or violence of the Government of the United States or of all forms of law; or

(2) the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers (either of specific individuals or of officers generally) of the Government of the United States or of any other organized government; or

(3) the unlawful damage, injury, or destruction of property; or

(4) sabotage.

(d) Who is a member of or affiliated with any organization, association, society, or group that writes, circulates, distributes, prints, publishes, or displays, or causes to be written, circulated, distributed, printed, published, or displayed, or that has in its possession for the purpose of circulation, distribution, publication, issue, or display, any written or printed matter of the character described in subdivision (c).

For the purpose of this section—

(1) the giving, loaning, or promising of money or anything of value to be used for the advising, advocacy, or teaching of any doctrine above enumerated shall constitute the advising, advocacy, or teaching of such doctrine; and

(2) the giving, loaning, or promising of money or anything of value to any organization, association, society, or group of the character above described shall constitute affiliation therewith; but nothing in this paragraph shall be taken as an exclusive definition of advising, advocacy, teaching, or affiliation.

The provisions of this section shall be applicable to any applicant for naturalization who at any time within a period of 10 years immediately preceding the filing of the petition for naturalization is, or has been found to be within any of the clauses enumerated in this section, notwithstanding that at the time petition is filed he may not be included in such classes.

SEC. 306. A person who, at any time during which the United States has been or shall be at war, deserted or shall desert the military or naval forces of the United States, or who, having duly enrolled, departed, or shall depart from the jurisdiction of the district in which enrolled, or went or shall go beyond the limits of the United States, with intent to avoid any draft into the military or naval service, lawfully ordered, shall, upon conviction thereof by a court martial, be ineligible to become a citizen of the United States; and such deserters shall be forever incapable of holding any office of trust or of profit under the United States, or of exercising any rights of citizens thereof.

SEC. 307. (a) No person, except as hereinafter provided in this act, shall be naturalized unless such petitioner, (1) immediately preceding the date of filing petition for naturalization has resided continuously within the United States for at least 5 years and within the State in which the petitioner resided at the time of filing the petition for at least 6 months, (2) has resided continuously within the United States from the date of the petition up to the time of admission to citizenship, and (3) during all the periods referred to in this subsection has been and still is a person of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the United States.

(b) Absence from the United States for a continuous period of more than 6 months but less than 1 year during the period for which continuous residence is required for admission to citizenship, immediately preceding the date of filing the petition for naturalization, or during the period between the date of filing the petition and the date of final hearing, shall be presumed to break the continuity of such residence, but such presumption may be overcome by the presentation of evidence satisfactory to the naturalization court that such individual had a reasonable cause for not sooner returning to the United States. Absence from the United States for a continuous period of 1 year or more during the period for which continuous residence is required for admission to citizenship, immediately preceding the date of filing the petition for naturalization or during the period between the date of filing the petition and the date of final hearing, shall break the continuity of such residence, except that in the case of an alien who has resided in the United States for at least 1 year, during which period he has made a declaration of intention to become a citizen of the United States, and who thereafter is employed by or under contract with the Government of the United States or an American institution of research recognized as such by the Secretary of Labor, or is employed by an American firm or corporation engaged in whole or in part in the development of foreign trade and commerce of the United States or a subsidiary thereof, no period of absence from the United States shall break the continuity of residence if—

(1) Prior to the beginning of such period (whether such period begins before or after his departure from the United States) the alien has established to the satisfaction of the Secretary of Labor that his absence from the United States for such period is to be on behalf of such Government, or for the purpose of carrying on scientific research on behalf of such institution, or to be engaged in the development of such foreign trade and commerce or whose residence abroad is necessary to the protection of the property rights in such countries of such firm or corporation; and

(2) Such alien proves to the satisfaction of the court that his absence from the United States for such period has been for such purpose.

(c) No period of absence from the United States during the 5 years immediately preceding June 25, 1936, shall be held to have broken the continuity of residence required by the naturalization laws if the alien proves to the satisfaction of the Secretary of Labor and the court that during all such period of absence he has been under employment by, or contract with, the United States, or such American institution of research, or American firm or corporation, described in subsection (b) of this section, and has been carrying on the activities described in that subsection in its behalf.

(d) The following shall be regarded as residence within the United States within the meaning of this chapter:

(1) Honorable service on vessels owned directly by the Government of the United States, whether or not rendered at any time prior to the applicant's lawful entry into the United States: *Provided*, That this subdivision shall not apply to service on vessels operating in and about the Canal Zone in connection with the maintenance, operation, protection, and civil government of the Panama Canal and Canal Zone.

(2) Continuous service by a seaman on a vessel or vessels whose home port is in the United States and which are of American registry or American owned, if rendered subsequent to the applicant's lawful entry into the United States for permanent residence and immediately preceding the date of naturalization.

SEC. 308. Any alien who has been lawfully admitted into the United States for permanent residence and who has heretofore been or may hereafter be absent temporarily from the United States solely in his or her capacity as a regularly ordained clergyman or nun, shall be considered as residing in the United States for the purpose of naturalization, notwithstanding any such absence from the United States, but he or she shall in all other respects comply with the requirements of the naturalization laws. Such alien shall prove to the satisfaction of the Secretary of Labor and the naturalization court that his or her absence from the United States has been solely in the capacity hereinbefore described.

Requirements as to proof

SEC. 309. (a) As to each period and place of residence in the State in which the petitioner resides at the time of filing the petition, during the entire period of at least 6 months immediately preceding the date of filing the petition, there shall be included in the petition the affidavits of at least two creditable witnesses, citizens of the United States, stating that each has personally known the petitioner to have been a resident at such place for such period, and that the petitioner is and during all such period has been a person of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the United States.

(b) At the hearing on the petition, residence in the State in which the petitioner resides at the time of filing the petition, for at least 6 months immediately preceding the date of filing the petition, and the other qualifications required by subsection (a) of section 307 during such residence shall be proved by the oral testimony of at least two credible witnesses, citizens of the United States, in addition to the affidavits required by subsection (a) of this section to be included in the petition. At the hearing, residence within the United States during the 5-year period, but outside the State, or within the State but prior to the 6 months immediately preceding the date of filing the petition, and the other qualifications required by subsection (a) of section 307 during such period at such places, shall be proved either by depositions taken in accordance with subsection (e) of section 327, or oral testimony, of at least two such witnesses for each place of residence.

(c) Notwithstanding the provisions of subsections (a) and (b) of this section the requirements of subsection (a) of section 307 as to

the petitioner's residence, moral character, attachment to the principles of the Constitution of the United States, and disposition toward the good order and happiness of the United States may be established by any evidence satisfactory to the naturalization court in those cases under subsection (b) of section 307 in which the alien declarant has been absent from the United States because of his employment by or contract with the Government of the United States or an American institution of research, recognized as such by the Secretary of Labor, or employment by an American firm or corporation engaged in whole or in part in the development of foreign trade and commerce of the United States or a subsidiary thereof.

(d) The clerk of court shall, if the petitioner requests it at the time of filing the petition for naturalization, issue a subpena for the witnesses named by such petitioner to appear upon the day set for the final hearing, but in case such witnesses cannot be produced upon the final hearing other witnesses may be summoned upon notice to the Commissioner, in such manner and at such time as the Commissioner, with the approval of the Secretary, may by regulation prescribe. If it should appear after the petition has been filed that any of the verifying witnesses thereto are not competent, and it further appears that the petitioner has acted in good faith in producing such witnesses found to be incompetent, other witnesses may be substituted in accordance with such regulations.

Married persons

SEC. 310. (a) Any alien who, after September 21, 1922, and prior to May 24, 1934, has married a citizen of the United States, or any alien who married prior to May 24, 1934, a spouse who was naturalized during such period and during the existence of the marital relation may, if eligible to naturalization, be naturalized upon full and complete compliance with all requirements of the naturalization laws, with the following exceptions:

(1) No declaration of intention shall be required;

(2) In lieu of the 5-year period of residence within the United States, and the 6 months' period of residence in the State where the petitioner resided at the time of filing the petition, the petitioner shall have resided continuously in the United States for at least 1 year immediately preceding the filing of the petition.

(b) Any alien who, on or after May 24, 1934, has married or shall hereafter marry a citizen of the United States, or any alien whose husband or wife was naturalized on or after May 24, 1934, and during the existence of the marital relation or shall hereafter be so naturalized may, if eligible for naturalization, be naturalized upon full and complete compliance with all requirements of the naturalization laws, with the following exceptions:

(1) No declaration of intention shall be required;

(2) In lieu of the 5-year period of residence within the United States, and the 6 months' period of residence in the State where the petitioner resided at the time of filing the petition, the petitioner shall have resided continuously in the United States for at least 3 years immediately preceding the filing of the petition.

(c) The naturalization of any woman on or after May 24, 1934, by any naturalization court of competent jurisdiction, upon proof of marriage to a citizen or the naturalization of her husband and proof of but 1 year's residence in the United States is hereby validated only so far as relates to the period of residence required to be proved by such person under the naturalization laws.

(d) The naturalization of any male person on or after May 24, 1934, by any naturalization court of competent jurisdiction, upon proof of marriage to a citizen of the United States after September 21, 1922, and prior to May 24, 1934, or of the naturalization during such period of his wife, and upon proof of 3 years' residence in the United States, is hereby validated only so far as relates to the period of residence required to be proved by such person under the naturalization laws and the omission by such person to make a declaration of intention.

SEC. 311. A person who upon the effective date of this section is married to or thereafter marries a citizen of the United States, or whose spouse is naturalized after the effective date of this section, if such person shall have resided in the United States in marital union with the United States citizen spouse for at least 1 year immediately preceding the filing of the petition for naturalization, may be naturalized after the effective date of this section upon compliance with all requirements of the naturalization laws with the following exceptions:

(a) No declaration of intention shall be required.

(b) The petitioner shall have resided continuously in the United States for at least 2 years immediately preceding the filing of the petition in lieu of the 5-year period of residence within the United States and the 6-month period of residence within the State where the naturalization court is held.

SEC. 312. An alien, whose spouse is (1) a citizen of the United States, (2) in the employment of the Government of the United States, or of an American institution of research recognized as such by the Secretary of Labor, or an American firm or corporation engaged in whole or in part in the development of foreign trade and commerce of the United States, or a subsidiary thereof, and (3) regularly stationed abroad in such employment, and who is (1) in the United States at the time of naturalization, and (2) declares before the naturalization court in good faith an intention to take up residence within the United States immediately upon the termination of such employment abroad of the citizen spouse, may be naturalized upon compliance with all requirements of the naturalization laws, with the following exceptions:

(a) No declaration of intention shall be required; and

(b) No prior residence within the United States or within the jurisdiction of the naturalization court or proof thereof shall be required.

Children

SEC. 313. A child born outside of the United States, one of whose parents at the time of the child's birth was an alien and the other of whose parents then was and never thereafter ceased to be a citizen of the United States, shall, if such alien parent is naturalized, be deemed a citizen of the United States, when—

(a) Such naturalization takes place while such child is under the age of 18 years; and

(b) Such child is residing in the United States at the time of naturalization or thereafter and begins to reside permanently in the United States while under the age of 18 years.

SEC. 314. A child born outside of the United States of alien parents, or of an alien parent and a citizen parent who has subsequently lost citizenship of the United States, becomes a citizen of the United States upon fulfillment of the following conditions:

(a) The naturalization of both parents; or

(b) The naturalization of the surviving parent if one of the parents is deceased; or

(c) The naturalization of the parent having legal custody of the child when there has been a legal separation of the parents; and if—

(d) Such naturalization takes place while such child is under the age of 18 years; and

(e) Such child is residing in the United States at the time of the naturalization of the parent last naturalized under subsection (a) of this section, or the parent naturalized under subsection (b) or (c) of this section, or thereafter begins to reside permanently in the United States while under the age of 18 years.

SEC. 315. A child born outside of the United States, one of whose parents is at the time of petitioning for the naturalization of the child, a citizen of the United States, either by birth or naturalization, may be naturalized if under the age of 18 years and not otherwise disqualified from becoming a citizen and is residing permanently in the United States with the citizen parent, on the petition of such citizen parent, without a declaration of intention, upon compliance with the applicable procedural provisions of the naturalization laws.

SEC. 316. An adopted child may, if not otherwise disqualified from becoming a citizen, be naturalized before reaching the age of 18 years upon the petition of the adoptive parent or parents if the child has resided continuously in the United States for at least 2 years immediately preceding the date of filing such petition, upon compliance with all the applicable procedural provisions of the naturalization laws, if the adoptive parent or parents are citizens of the United States, and the child was—

(a) Lawfully admitted to the United States for permanent residence; and

(b) Adopted in the United States before reaching the age of 16 years; and

(c) Adopted and in the legal custody of the adoptive parent or parents for at least 2 years prior to the filing of the petition for the child's naturalization.

Former citizens of the United States

SEC. 317. (a) A person who was a citizen of the United States and who prior to September 22, 1922, lost United States citizenship by marriage to an alien or by the spouse's loss of United States citizenship, and any person who lost United States citizenship on or after September 22, 1922, by marriage to an alien ineligible to citizenship, may, if no other nationality was acquired by affirmative act other than such marriage, be naturalized upon compliance with all requirements of the naturalization laws with the following exceptions:

(1) No declaration of intention and no certificate of arrival shall be required, and no period of residence within the United States or within the State where the petition is filed shall be required.

(2) The petition need not set forth that it is the intention of the petitioner to reside permanently within the United States.

(3) The petition may be filed in any court having naturalization jurisdiction, regardless of the residence of the petitioner.

(4) The petition may be heard at any time after filing if there is attached to the petition at the time of filing a certificate from a naturalization examiner stating that the petitioner has appeared before such examiner for examination.

Such person shall have, from and after the naturalization, the same citizenship status as that which existed immediately prior to its loss.

(b) (1) From and after the effective date of this act, a woman, who was a citizen of the United States at birth, and who has or is believed to have lost her United States citizenship solely by reason of her marriage prior to September 22, 1922, to an alien, and whose marital status with such alien has or shall have terminated, if no other nationality was acquired by affirmative act other than such marriage, shall, from and after the taking of the oath of allegiance prescribed by subsection (b) of section 335 of this act, be deemed to be a citizen of the United States to the same extent as though her marriage to said alien had taken place on or after September 22, 1922.

(2) Such oath of allegiance may be taken abroad before a diplomatic or consular officer of the United States, or in the United States before the judge or clerk of a naturalization court.

(3) Such oath of allegiance shall be entered in the records of the appropriate embassy or legation or consulate or naturalization

court, and upon demand, a certified copy of the proceedings, including a copy of the oath administered, under the seal of the embassy or legation or consulate or naturalization court, shall be delivered to such woman at a cost not exceeding $1, which certified copy shall be evidence of the facts stated therein before any court of record or judicial tribunal and in any department of the United States.

SEC. 318. (a) A former citizen of the United States expatriated through the expatriation of such person's parent or parents and who has not acquired the nationality of another country by any affirmative act other than the expatriation of his parent or parents may be naturalized upon filing a petition for naturalization before reaching the age of 25 years and upon compliance with all requirements of the naturalization laws with the following exceptions:

(1) No declaration of intention and no certificate of arrival and no period of residence within the United States or in a State shall be required;

(2) The petition may be filed in any court having naturalization jurisdiction, regardless of the residence of the petitioner;

(3) If there is attached to the petition at the time of filing, a certificate from a naturalization examiner stating that the petitioner has appeared before him for examination, the petition may be heard at any time after filing; and

(4) Proof that the petitioner was at the time his petition was filed and at the time of the final hearing thereon a person of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the United States, and that he intends to reside permanently in the United States shall be made by any means satisfactory to the naturalization court.

(b) No former citizen of the United States, expatriated through the expatriation of such person's parent or parents, shall be obliged to comply with the requirements of the immigration laws, if he has not acquired the nationality of another country by any affirmative act other than the expatriation of his parent or parents, and if he has come or shall come to the United States before reaching the age of 25 years.

(c) After his naturalization such person shall have the same citizenship status as if he had not been expatriated.

SEC. 319. (a) A person who as a minor child lost citizenship of the United States through the cancelation of the parent's naturalization on grounds other than actual fraud or presumptive fraud as specified in the second paragraph of section 15 of the act of June 29, 1906, as amended (34 Stat. 601; 40 Stat. 544, U. S. C., title 8, sec. 405), or who shall lose citizenship of the United States under subsection (c) of section 338 of this act, may, if such person resided in the United States at the time of such cancelation and if, within 2 years after such cancelation or within 2 years after the effective date of this section, such person files a petition for naturalization or such a petition is filed on such person's behalf by a parent or guardian if such person is under the age of 18 years, be naturalized upon compliance with all requirements of the naturalization laws with the exception that no declaration of intention shall be required and the required 5-year period of residence in the United States need not be continuous.

(b) Citizenship acquired under this section shall begin as of the date of the person's naturalization, except that in those cases where the person has resided continuously in the United States from the date of the cancelation of the parent's naturalization to the date of the person's naturalization under this section, the citizenship of such person shall relate back to the date of the parent's naturalization which has been canceled or to the date of such person's arrival in the United States for permanent residence if such date was subsequent to the date of naturalization of said parent.

Persons misinformed of citizenship status

SEC. 320. A person not an alien enemy, who resided uninterruptedly within the United States during the period of 5 years next preceding July 1, 1920, and was on that date otherwise qualified to become a citizen of the United States, except that such person had not made a declaration of intention required by law and who during or prior to that time, because of misinformation regarding the citizenship status of such person, erroneously exercised the rights and performed the duties of a citizen of the United States in good faith, may file the petition for naturalization prescribed by law without making the preliminary declaration of intention, and upon satisfactory proof to the court that petitioner has so acted may be admitted as a citizen of the United States upon complying with the other requirements of the naturalization laws.

Nationals but not citizens of the United States

SEC. 321. A person not a citizen who owes permanent allegiance to the United States, and who is otherwise qualified may, if he becomes a resident of any State, be naturalized upon compliance with the requirements of this act, except that in petitions for naturalization filed under the provisions of this section, residence within the United States within the meaning of this act shall include residence within any of the outlying possessions of the United States.

Puerto Ricans

SEC. 322. A person born in Puerto Rico of alien parents, referred to in the last paragraph of section 5, act of March 2, 1917 (U. S. C., title 8, sec. 5), and in section 5a, of the said act, as amended by section 2 of the act of March 4, 1927 (U. S. C., title 8, sec. 5a), who did not exercise the privilege granted of becoming a citizen of the United States, may make the declaration provided in said paragraph at any time, and from and after the making of such declaration shall be a citizen of the United States.

Persons serving in armed forces or on vessels

SEC. 323. A person who, while a citizen of the United States and during the World War in Europe, entered the military or naval service of any country at war with a country with which the United States was then at war, who has lost citizenship of the United States by reason of any oath or obligation taken for the purpose of entering such service, may be naturalized by taking before any naturalization court specified in subsection (a) of section 301 the oaths prescribed by section 335.

SEC. 324. (a) A person, including a native-born Filipino, who has served honorably at any time in the United States Army, Navy, Marine Corps, or Coast Guard for a period or periods aggregating 3 years and who, if separated from such service, was separated under honorable conditions, may be naturalized without having resided, continuously immediately preceding the date of filing such person's petition, in the United States for at least 5 years and in the State in which the petition for naturalization is filed for at least 6 months, if such petition is filed while the petitioner is still in the service or within 6 months after the termination of such service.

(b) A person filing a petition under subsection (a) of this section shall comply in all respects with the requirements of this chapter except that—

(1) No declaration of intention shall be required;

(2) No certificate of arrival shall be required;

(3) No residence within the jurisdiction of the court shall be required;

(4) Such petitioner may be naturalized immediately if the petitioner be then actually in any of the services prescribed in subsection (a) of this section, and if, before filing the petition for naturalization, such petitioner and at least two verifying witnesses to the petition, who shall be citizens of the United States and who shall identify petitioner as the person who rendered the service upon which the petition is based, have appeared before and been examined by a representative of the Service.

(c) In case such petitioner's service was not continuous, petitioner's residence in the United States and State, good moral character, attachment to the principles of the Constitution of the United States, and favorable disposition toward the good order and happiness of the United States, during any period within 5 years immediately preceding the date of filing said petition between the periods of petitioner's service in the United States Army, Navy, Marine Corps, or Coast Guard, shall be verified in the petition filed under the provisions of subsection (a) of this section, and proved at the final hearing thereon by witnesses, citizens of the United States, in the same manner as required by section 309. Such verification and proof shall also be made as to any period between the termination of petitioner's service and the filing of the petition for naturalization.

(d) The petitioner shall comply with the requirements of section 309 as to continuous residence in the United States for at least 5 years and in the State in which the petition is filed for at least 6 months, immediately preceding the date of filing the petition, if the termination of such service has been more than 6 months preceding the date of filing the petition for naturalization, except that such service shall be considered as residence within the United States or the State.

(e) Any such period or periods of service under honorable conditions, and good moral character, attachment to the principles of the Constitution of the United States, and favorable disposition toward the good order and happiness of the United States, during such service, shall be proved by duly authenticated copies of records of the executive departments having custody of the records of such service, and such authenticated copies of records shall be accepted in lieu of affidavits and testimony or depositions of witnesses.

SEC. 325. (a) A person who has served honorably or with good conduct for an aggregate period of at least 3 years (1) on board of any vessel of the United States Government other than in the United States Navy, Marine Corps, or Coast Guard, or (2) on board vessels of more than 20 tons burden, whether or not documented under the laws of the United States, and whether public or private, which are not foreign vessels, and whose home port is in the United States, may be naturalized without having resided, continuously immediately preceding the date of filing such person's petition, in the United States for at least 5 years, and in the State in which the petition for naturalization is filed for at least 6 months, if such petition is filed while the petitioner is still in the service on a reenlistment, reappointment, or reshipment, or within 6 months after an honorable discharge or separation therefrom.

(b) The provisions of subsections (b), (c), (d), and (e) of section 324 shall apply to petitions for naturalization filed under this section, except that service with good conduct on vessels described in subsection (a) (2) of this section may be proved by certificates from the masters of such vessels.

Alien enemies

SEC. 326. (a) An alien who is a native, citizen, subject, or denizen of any country, state, or sovereignty with which the United States is at war may be naturalized as a citizen of the United States if such alien's declaration of intention was made not less than 2 years prior to the beginning of the state of war, or such alien was at the beginning of the state of war entitled to become a citizen of the United States without making a declaration of intention, or his petition for naturalization shall at the beginning of the state

of war be pending and the petitioner is otherwise entitled to admission, notwithstanding such petitioner shall be an alien enemy at the time and in the manner prescribed by the laws passed upon that subject.

(b) An alien embraced within this section shall not have such alien's petition for naturalization called for a hearing, or heard, except after 90 days' notice given by the clerk of the court to the Commissioner to be represented at the hearing, and the Commissioner's objection to such final hearing shall cause the petition to be continued from time to time for so long as the Commissioner may require.

(c) Nothing herein contained shall be taken or construed to interfere with or prevent the apprehension and removal, agreeably to law, of any alien enemy at any time previous to the actual naturalization of such alien.

(d) The President of the United States may, in his discretion, upon investigation and report by the Department of Justice fully establishing the loyalty of any alien enemy not included in the foregoing exemption, except such alien enemy from the classification of alien enemy, and thereupon such alien shall have the privilege of applying for naturalization.

PROCEDURAL AND ADMINISTRATIVE PROVISIONS

Executive functions

SEC. 327. (a) The Commissioner, or, in his absence, a Deputy Commissioner, shall have charge of the administration of the naturalization laws, under the immediate direction of the Secretary of Labor, to whom the Commissioner shall report directly upon all naturalization matters annually and as otherwise required.

(b) The Commissioner, with the approval of the Secretary, shall make such rules and regulations as may be necessary to carry into effect the provisions of this chapter and is authorized to prescribe the scope and nature of the examination of petitioners for naturalization as to their admissibility to citizenship for the purpose of making appropriate recommendations to the naturalization courts. Such examination shall be limited to inquiry concerning the applicant's residence, good moral character, understanding of and attachment to the fundamental principles of the Constitution of the United States, and other qualifications to become a naturalized citizen as required by law, and shall be uniform throughout the United States.

(c) The Commissioner is authorized to promote instruction and training in citizenship responsibilities of applicants for naturalization including the sending of names of candidates for naturalization to the public schools, preparing and distributing citizenship textbooks to such candidates as are receiving instruction in preparation for citizenship within or under the supervision of the public schools, preparing and distributing monthly an immigration and naturalization bulletin and securing the aid of and cooperating with official State and National organizations, including those concerned with vocational education.

(d) The Commissioner shall prescribe and furnish such forms as may be required to give effect to the provisions of this chapter, and only such forms as may be so provided shall be legal. All certificates of naturalization and of citizenship shall be printed on safety paper and shall be consecutively numbered in separate series.

(e) Members of the Service may be designated by the Commissioner or a Deputy Commissioner to administer oaths and to take depositions without charge in matters relating to the administration of the naturalization and citizenship laws. In cases where there is a likelihood of unusual delay or of hardship, the Commissioner or a Deputy Commissioner may, in his discretion, authorize such depositions to be taken before a postmaster without charge, or before a notary public or other person authorized to administer oaths for general purposes.

(f) A certificate of naturalization or of citizenship issued by the Commissioner or a Deputy Commissioner under the authority of this act shall have the same effect in all courts, tribunals, and public offices of the United States, at home and abroad, of the District of Columbia, and of each State, Territory, and insular possession of the United States, as a certificate of naturalization or of citizenship issued by a court having naturalization jurisdiction.

(g) Certifications and certified copies of all papers, documents, certificates, and records required or authorized to be issued, used, filed, recorded, or kept under any and all provisions of this chapter shall be admitted in evidence equally with the originals in any and all cases and proceedings under this act and in all cases and proceedings in which the originals thereof might be admissible as evidence.

(h) The officers in charge of property owned or leased by the Government are authorized, upon the recommendation of the Secretary of Labor, to provide quarters, without payment of rent, in any building occupied by the Service, for a photographic studio, operated by welfare organizations without profit and solely for the benefit of aliens seeking naturalization. Such studio shall be under the supervision of the Commissioner.

Registry of aliens

SEC. 328. (a) The Commissioner shall cause to be made, for use in complying with the requirements of this chapter, a registry of each person arriving in the United States after the effective date of this act, of the name, age, occupation, personal description (including height, complexion, color of hair and eyes), the date and place of birth, nationality, the last residence, the intended place of residence in the United States, the date and place of arrival of said person, and the name of vessel or other means of transportation, upon which said person arrived.

(b) Registry of aliens at ports of entry required by subsection (a) of this section may be made as to any alien not ineligible to citizenship in whose case there is no record of admission for permanent residence, if such alien shall make a satisfactory showing to the Commissioner, in accordance with regulations prescribed by the Commissioner, with the approval of the Secretary, that such alien—

(1) Entered the United States prior to July 1, 1924;

(2) Has resided in the United States continuously since such entry;

(3) Is a person of good moral character; and

(4) Is not subject to deportation.

(c) For the purposes of the immigration laws and naturalization laws an alien, in respect of whom a record of registry has been made as authorized by this section, shall be deemed to have been lawfully admitted to the United States for permanent residence as of the date of such alien's entry.

Certificate of arrival

SEC. 329. (a) The certificate of arrival required by this chapter may be issued upon application to the Commissioner in accordance with regulations prescribed by the Commissioner, with the approval of the Secretary, upon the making of a record of registry as authorized by section 328 of this act.

(b) No declaration of intention shall be made by any person who arrived in the United States after June 29, 1906, until such person's lawful entry for permanent residence shall have been established and a certificate showing the date, place, and manner of arrival in the United States shall have been issued. It shall be the duty of the Commissioner or a Deputy Commissioner to cause to be issued such certificate.

Photographs

SEC. 330. (a) Two photographs of the applicant shall be signed by and furnished by each applicant for a declaration of intention and by each petitioner for naturalization or citizenship. One of such photographs shall be affixed by the clerk of the court to the triplicate declaration of intention issued to the declarant and one to the duplicate declaration of intention required to be forwarded to the Service; and one of such photographs shall be affixed to the original certificate of naturalization issued to the naturalized citizen and one to the duplicate certificate of naturalization required to be forwarded to the Service.

(b) Two photographs of the applicant shall be furnished by each applicant for—

(1) A record of registry;

(2) A certificate of derivative citizenship;

(3) A certificate of naturalization;

(4) A special certificate;

(5) A declaration of intention or a certificate of naturalization or of citizenship, in lieu of one lost, mutilated, or destroyed; and

(6) A new certificate of citizenship in the new name of any naturalized citizen who, subsequent to naturalization, has had such citizen's name changed by order of a court of competent jurisdiction or by marriage.

One such photograph shall be affixed to each such declaration or certificate issued by the Commissioner and one shall be affixed to the copy of such declaration or certificate retained by the Service.

Declaration of intention

SEC. 331. An applicant for naturalization shall make, under oath before, and only in the office of, the clerk of court or such clerk's authorized deputy, regardless of the place of residence in the United States of the applicant, not less than 2 nor more than 10 years at least prior to the applicant's petition for naturalization, and after the applicant has reached the age of 18 years, a signed declaration of intention to become a citizen of the United States, which declaration shall be set forth in writing, in triplicate, and shall contain substantially the following averments by such applicant:

(1) My full, true, and correct name is ——— (full, true name, without abbreviation, and any other name which has been used, must appear here).

(2) My present place of residence is ——— (number and street), ——— (city or town), ——— (county), ——— (State).

(3) My occupation is ———.

(4) I am ——— years old.

(5) My personal description is as follows: Sex ———; color ———, complexion ———, color of eyes ———, color of hair ———, height ——— feet ——— inches, weight ——— pounds; visible distinctive marks ———; race ———; present nationality ———.

(6) I was born on ——— (month, day, and year), in ——— (city or town), ——— (county, district, Province, or State), ——— (country).

(7) I am ——— married; the name of my wife or husband is ———; we were married on ——— (month, day, and year), at ——— (city or town), ——— (State or country); he or she was born at ——— (city or town), ——— (county, district, Province, or State), ——— (country), on ——— (month, day, and year); and entered the United States at ——— (city or town), ——— (State), on ——— (month, day, and year), for permanent residence in the United States, and now resides at ——— (city or town), ——— (State or country).

(8) I have ——— children; and the name, sex, date, and place of birth, and present place of residence of each of said children who is living are as follows: ———.

(9) My place of last foreign residence was ——— (city or town), ——— (county, district, or Province), ——— (country).

(10) I emigrated to the United States from ——— (city or town), ———(country).

(11) My lawful entry for permanent residence in the United States was at ——— (city or town), ——— (State), under the name of ———, on ——— (month, day, and year), on the ——— (name of vessel or other means of conveyance).

(12) I have ——— been absent from the United States, having departed therefrom on ——— (dates of departures), from the port or ports of ———, upon the following vessels or other means of conveyance: ——— (names of vessels or conveyances upon departures); and returned to the United States on ——— (dates of return to the United States), at the port or ports of ———, upon the following vessels or other means of conveyance ———: (names of vessels or conveyances upon return).

(13) I have ——— heretofore made declaration of intention No. ———, on ——— (month, day, and year), at ——— (city or town), ——— (county), ——— (State), in the ——— (name of court).

(14) I am not an anarchist, nor a disbeliever in or opposed to organized government, nor a member of or affiliated with any organization or body of persons teaching disbelief in or opposition to organized government.

(15) It is my intention in good faith to become a citizen of the United States and to reside permanently therein.

(16) I will, before being admitted to citizenship, renounce forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty of whom or which at the time of admission to citizenship I may be a subject or citizen.

(17) I certify that the photograph affixed to the duplicate and triplicate hereof is a likeness of me and was signed by me.

(18) So help me God.

Petition for naturalization

SEC. 332. (a) An applicant for naturalization shall, not less than 2 nor more than 10 years after such declaration of intention has been made, make and file in the office of the clerk of a naturalization court, in duplicate, a sworn petition in writing, signed by the applicant in the applicant's own handwriting, if physically able to write, and duly verified by witnesses, which petition shall contain substantially the following averments by such applicant:

(1) My full, true, and correct name is ——— (full, true name, without abbreviation, and any other name which has been used, must appear here).

(2) My present place of residence is ——— (number and street), ——— (city or town), ——— (county), ———(State).

(3) My occupation is ———.

(4) I am ——— years old.

(5) My personal description is: Sex ———, color ———, complexion ———, color of eyes, ———, color of hair ———, height ——— feet ——— inches, weight ——— pounds; visible distinctive marks ———; race ———; present nationality ———.

(6) I was born on ——— (month, day, and year), in ——— (city or town), ——— (county, district, Province, or State), ——— (country).

(7) I am ——— married; the name of my wife or husband is ———; we were married on ——— (month, day, and year), at ——— (city or town), ——— (state or country); he or she was born at ——— (city or town), ——— (county, district, Province, or State), ——— (country), on ——— (month, day, and year); entered the United States at ——— (city or town), ——— (State), on ——— (month, day, and year), for permanent residence in the United States, and now resides at ——— (city or town), ——— (State or country).

(8) I have ——— children; and the name, sex, date, and place of birth, and present place of residence of each of said children who is living are as follows: ———.

(9) My last place of foreign residence was ——— (city or town), ——— (county, district, or Province), ——— (country).

(10) I emigrated to the United States from ——— (city or town), ——— (country).

(11) My lawful entry for permanent residence in the United States was at ——— (city or town), ——— (State), under the name of ———, on ——— (month, day, and year), on the ——— (name of vessel or other means of conveyance), as shown by the certificate of my arrival attached to this petition.

(12) I have ——— been absent from the United States, having departed therefrom on ——— (dates of departures), from the port or ports of ———, upon the following vessels or other means of conveyance: ——— (names of vessels or conveyances upon departures); and returned to the United States on ——— (dates of return to the United States), at the port or ports of ———, upon the following vessels or other means of conveyance: ——— (names of vessels or conveyances upon return).

(13) I have resided continuously in the United States of America for the term of 5 years at least immediately preceding the date of this petition, to wit, since ———, and continuously in the State in which this petition is made for the term of 6 months at least immediately preceding the date of this petition, to wit, since ———.

(14) I declared my intention to become a citizen of the United States on ——— (month, day, and year), in the ——— (name of court) Court of ———, at ——— (city or town),' ——— (State).

(15) I have ——— heretofore made petition for naturalization number ———, on ——— (month, day, and year), at ——— (city or town), ——— (county), ——— (State), in the ——— (name of court), and such petition was dismissed or denied by that Court for the following reasons and causes, to wit: ———, and the cause of such dismissal or denial has since been cured or removed.

(16) I am not an anarchist, nor a disbeliever in or opposed to organized government, nor a member of or affiliated with any organization or body of persons teaching disbelief in or opposition to organized government.

(17) I am attached to the principles of the Constitution of the United States and well disposed to the good order and happiness of the United States.

(18) It is my intention in good faith to become a citizen of the United States and to reside permanently therein.

(19) It is my intention to renounce absolutely and forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty of whom or which at this time I am a subject or citizen.

(20) Attached hereto and made a part of this, my petition for naturalization, are my declaration of intention to become a citizen of the United States (if such declaration of intention be required by the naturalization law), a certificate of arrival from the Immigration and Naturalization Service of my said lawful entry into the United States for permanent residence (if such certificate of arrival be required by the naturalization law), and the affidavits of the two verifying witnesses required by law.

(21) Wherefore, I, petitioner for naturalization, pray that I may be admitted a citizen of the United States of America, and that my name be changed to ———.

(22) I, aforesaid petitioner, being duly sworn, depose and say that I have (read) (heard read) this petition and know that the same is true of my own knowledge except as to matters herein stated to be alleged upon information and belief, and that as to those matters I believe it to be true; and that this petition is signed by me with my full, true, and correct name. So help me God. ——— (full, true, and correct name of petitioner).

(b) The applicant's petition for naturalization, in addition to the averments required by subsection (a) of this section, shall include averments of all other facts which may be material to the applicant's naturalization and required to be proved upon the hearing of such petition.

(c) At the time of filing the petition for naturalization there shall be filed with the clerk of court a certificate from the Service, if the petitioner arrived in the United States after June 29, 1906, stating the date, place, and manner of petitioner's arrival in the United States, and the declaration of intention of such petitioner, which certificate and declaration shall be attached to and made a part of said petition.

(d) Petitions for naturalization may be made and filed during the term time or vacation of the court and shall be docketed the same day as filed, but final action thereon shall be had only on stated days, to be fixed by rule of the court.

Hearing of petitions

SEC. 333. (a) The Commissioner or a Deputy Commissioner shall designate members of the Service to conduct preliminary hearings upon petitions for naturalization to any naturalization court and to make findings and recommendations thereon to such court. For such purposes any such designated examiner is hereby authorized to take testimony concerning any matter touching or in any way affecting the admissibility of any petitioner for naturalization, to subpena witnesses, and to administer oaths, including the oath of the petitioner to the petition for naturalization and the oath of petitioner's witnesses.

(b) The findings of any such designated examiner upon any such preliminary hearing shall be submitted to the court at the final hearing upon the petition with a recommendation that the petition be granted, or denied, or continued, with the reasons therefor. Such findings and recommendations shall be accompanied by duplicate lists containing the names of the petitioners, classified according to the character of the recommendations, and signed by the designated examiner. The judge to whom such findings and recommendations are submitted shall, if he approve such recommendations, enter a written order with such exceptions as the judge may deem proper, by subscribing his name to each such list when corrected to conform to his conclusions upon such recommendations. One of such lists shall thereafter be filed permanently of record in such court and the duplicate list shall be sent by the clerk of such court to the Commissioner.

SEC. 334. (a) Every final hearing upon a petition for naturalization shall be had in open court before a judge or judges thereof, and every final order which may be made upon such petition shall be under the hand of the court and entered in full upon a record kept for that purpose, and upon such final hearing of such petition the applicant, and, except as provided in subsection (b) of this section, the witnesses shall be examined under oath before the court and in the presence of the court.

(b) The requirement of subsection (a) of this section for the examination of the petitioner and witnesses under oath before the court and in the presence of the court shall not apply in any case where a designated examiner has conducted the preliminary hearing authorized by subsection (a) of section 333; except that the court may, in its discretion, and shall, upon demand of the petitioner, require the examination of the petitioner and the witnesses under oath before the court and in the presence of the court.

(c) Except as otherwise specifically provided in this act, no final hearing shall be held on any petition for naturalization nor shall any person be naturalized nor shall any certificate of naturalization be issued by any court within 30 days after the filing of the petition for naturalization, nor within 60 days preceding the holding of any

general election within the territorial jurisdiction of the naturalization court.

(d) The United States shall have the right to appear before any court in any naturalization proceedings for the purpose of cross-examining the petitioner and the witnesses produced in support of the petition concerning any matter touching or in any way affecting the petitioner's right to admission to citizenship, and shall have the right to call witnesses, produce evidence, and be heard in opposition to the granting of any petition in naturalization proceedings.

(e) It shall be lawful at the time and as a part of the naturalization of any person for the court in its discretion, upon the prayer of the petitioner included in the petition for naturalization of such person, to make a decree changing the name of said person, and the certificate of naturalization shall be issued in accordance therewith.

Oath of renunciation and allegiance

SEC. 335. (a) A person who has petitioned for naturalization shall, before being admitted to citizenship, take an oath in open court (1) to support the Constitution of the United States, (2) to renounce and abjure absolutely and entirely all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty of whom or which the petitioner was before a subject or citizen, (3) to support and defend the Constitution and the laws of the United States against all enemies, foreign and domestic, and (4) to bear true faith and allegiance to the same, provided that in the case of the naturalization of a child under the provisions of section 315 or 316 the naturalization court may waive the taking of such oath if in the opinion of the court the child is too young to understand its meaning.

(b) The oath prescribed by subsection (a) of this section which the petitioner for naturalization is required to take, shall be in the following form:

I hereby declare, on oath, that I absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty of whom or which I have heretofore been a subject or citizen; that I will support and defend the Constitution and laws of the United States of America against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; and that I take this obligation freely without any mental reservation or purpose of evasion: So help me God. In acknowledgment whereof I have hereunto affixed my signature.

(c) In case the person petitioning for naturalization has borne any hereditary title, or has been of any of the orders of nobility in any foreign state, the petitioner shall, in addition to complying with the requirements of subsections (a) and (b) of this section, make under oath in open court, in the court to which the petition for naturalization is made, an express renunciation of such title or order of nobility, and such renunciation shall be recorded in the court as a part of such proceedings.

Certificate of naturalization

SEC. 336. A person, admitted to citizenship by a naturalization court in conformity with the provisions of this act, shall be entitled upon such admission to receive from the clerk of such court a certificate of naturalization, which shall contain substantially the following information: Number of petition for naturalization; number of certificate of naturalization; date of naturalization; name, signature, place of residence, autographed photograph, and personal description of the naturalized person, including age, sex, marital status, and country of former nationality; title, venue, and location of the naturalization court; statement that the court, having found that the petitioner intends to reside permanently in the United States, had complied in all respects with all of the applicable provisions of the naturalization laws of the United States, and was entitled to be admitted a citizen of the United States of America, thereupon ordered that the petitioner be admitted as a citizen of the United States of America; attestation of the clerk of the naturalization court; and seal of the court.

Functions and duties of clerks of courts

SEC. 337. (a) It is hereby made the duty of the clerk of each and every naturalization court to administer the oath in the clerk's office to each applicant for a declaration of intention made before such clerk, and to retain the original of such declaration of intention for the permanent files of the court, to forward the duplicate thereof to the Commissioner within 30 days after the close of the month in which such declaration was filed, and to furnish the declarant with the triplicate thereof.

(b) It shall be the duty of the clerk of each and every naturalization court to forward to the Commissioner a duplicate of each petition for naturalization within 30 days after the close of the month in which such petition was filed, and to forward to the Commissioner certified copies of such other proceedings and orders instituted in or issued out of said court affecting or relating to the naturalization of persons as may be required from time to time by the Commissioner.

(c) It shall be the duty of the clerk of each and every naturalization court to issue to any person admitted by such court to citizenship a certificate of naturalization and to forward to the Commissioner within 30 days after the close of the month in which such certificate was issued, a duplicate thereof, and to make and keep on file in the clerk's office a stub for each certificate so issued, whereon shall be entered a memorandum of all the essential facts set forth in such certificate, and to forward a duplicate of each such stub to the Commissioner within 30 days after the close of the month in which such certificate was issued.

(d) It shall be the duty of the clerk of each and every naturalization court to report to the Commissioner, within 30 days after the close of the month in which the final hearing and decision of the court was had, the name and number of the petition of each and every person who shall be denied naturalization together with the cause of such denial.

(e) Clerks of courts shall be responsible for all blank certificates of naturalization received by them from time to time from the Commissioner, and shall account to the Commissioner for them whenever required to do so. No certificate of naturalization received by any clerk of court which may be defaced or injured in such manner as to prevent its use as herein provided shall in any case be destroyed, but such certificate shall be returned to the Commissioner.

(f) It shall be the duty of the clerk of each and every naturalization court to cause to be filed in chronological order in separate volumes, indexed, consecutively numbered, and made a part of the records of such court, all declarations of intention and petitions for naturalization.

Revocation of naturalization

SEC. 338. (a) It shall be the duty of the United States district attorneys for the respective districts, or the Commissioner, or a Deputy Commissioner, upon affidavit showing good cause therefor, to institute proceedings in any court specified in subsection (a) of section 301 in the judicial district in which the naturalized citizen may reside at the time of bringing suit, for the purpose of revoking and setting aside the order admitting such person to citizenship and canceling the certificate of naturalization on the ground of fraud or on the ground that such order and certificate of naturalization were illegally procured.

(b) The party to whom was granted the naturalization alleged to have been fraudulently or illegally procured shall, in any such proceedings under subsection (a) of this section, have 60 days' personal notice in which to make answer to the petition of the United States; and if such naturalized person be absent from the United States or from the judicial district in which such person last had his residence, such notice shall be given by publication in the manner provided for the service of summons by publication or upon absentees by the laws of the State or the place where such suit is brought.

(c) If a person who shall have been naturalized shall, within 5 years after such naturalization, return to the country of such person's nativity, or go to any other foreign country, and take permanent residence therein, it shall be considered prima facie evidence of a lack of intention on the part of such person to become a permanent citizen of the United States at the time of filing such person's petition for naturalization, and, in the absence of countervailing evidence, it shall be sufficient in the proper proceeding to authorize the revocation and setting aside of the order admitting such person to citizenship and the cancelation of the certificate of naturalization as having been obtained through fraud. The diplomatic and consular officers of the United States in foreign countries shall from time to time, through the Department of State, furnish the Department of Justice with the names of those persons within their respective jurisdictions who have been so naturalized and who have taken permanent residence in the country of their nativity, or in any other foreign country, and such statements, duly certified, shall be admissible in evidence in all courts in proceedings to revoke and set aside the order admitting to citizenship and to cancel the certificate of naturalization.

(d) The revocation and setting aside of the order admitting any person to citizenship and canceling his certificate of naturalization under the provisions of subsection (a) of section 338 shall not, where such action takes place after the effective date of this act, result in the loss of citizenship or any right or privilege of citizenship which would have been derived by or available to a wife or minor child of the naturalized person had such naturalization not been revoked, but the citizenship and any such right or privilege of such wife or minor child shall be deemed valid to the extent that it shall not be affected by such revocation: *Provided*, That this subsection shall not apply in any case where the revocation and setting aside of the order was the result of actual fraud.

(e) When a person shall be convicted under this act of knowingly procuring naturalization in violation of law, the court in which such conviction is had shall thereupon revoke, set aside, and declare void the final order admitting such person to citizenship, and shall declare the certificate of naturalization of such person to be canceled. Jurisdiction is hereby conferred on the courts having jurisdiction of the trial of such offense to make such adjudication.

(f) Whenever an order admitting an alien to citizenship shall be revoked and set aside or a certificate of naturalization shall be canceled, or both, as provided in this section, the court in which such judgment or decree is rendered shall make an order canceling such certificate and shall send a certified copy of such order to the Commissioner; in case such certificate was not originally issued by the court making such order, it shall direct the clerk of the naturalization court in which the order is revoked and set aside to transmit a copy of such order and judgment to the court out of which such certificate of naturalization shall have been originally issued. It shall thereupon be the duty of the clerk of the court receiving such certified copy of the order and judgment of the court to enter the same of record and to cancel such original certificate of naturalization, if there be any, upon the records and to notify the Commissioner of the entry of such order and of such cancelation. A person holding a certificate of naturalization or

citizenship which has been canceled as provided by this section shall upon notice by the court by which the decree of cancelation was made, or by the Commissioner, surrender the same to the Commissioner.

(g) The provisions of this section shall apply not only to any naturalization granted and to certificates of naturalization and citizenship issued under the provisions of this act, but to any naturalization heretofore granted by any court, and to all certificates of naturalization and citizenship which may have been issued heretofore by any court or by the Commissioner based upon naturalization granted by any court.

Certificates of derivative citizenship

SEC. 339. A person who claims to have derived United States citizenship through the naturalization of a parent or through the naturalization or citizenship of a spouse may apply to the Commissioner for a certificate of citizenship. Upon proof to the satisfaction of the Commissioner that the applicant is a citizen, and that the applicant's alleged citizenship was derived as claimed, and upon taking and subscribing before a member of the Service within the United States to the oath of allegiance required by this act of a petitioner for naturalization, such individual shall be furnished by the Commissioner or a Deputy Commissioner with a certificate of citizenship, but only if such individual is at the time within the United States.

Revocation of certificates issued by the Commissioner or a Deputy Commissioner

SEC. 340. The Commissioner is authorized to cancel any certificate of citizenship or any copy of a declaration of intention or certificate of naturalization heretofore or hereafter issued by the Commissioner or a Deputy Commissioner if it shall appear to the Commissioner's satisfaction that such document was illegally or fraudulently obtained from the Commissioner or a Deputy Commissioner; but the person to whom such document has been issued, shall be given at such person's last known place of address, written notice of the intention to cancel such document with the reasons therefor and shall be given at least 60 days in which to show cause why such document should not be canceled. The cancelation of any such document shall affect only the document and not the citizenship status of the person in whose name the document was issued.

Documents and copies issued by the Commissioner or a Deputy Commissioner

SEC. 341. (a) A person who claims to have been naturalized in the United States under section 323 of this act may make application to the Commissioner for a certificate of naturalization. Upon proof to the satisfaction of the Commissioner or a Deputy Commissioner that the applicant is a citizen and that he has been naturalized as claimed in the application, such individual shall be furnished a certificate of naturalization by the Commissioner or a Deputy Commissioner, but only if the applicant is at the time within the United States.

(b) If any certificate of naturalization or citizenship issued to any citizen, or any declaration of intention furnished to any declarant, is lost, mutilated, or destroyed, the citizen or declarant may make application to the Commissioner for a new certificate or declaration. If the Commissioner or a Deputy Commissioner finds that the certificate or declaration is lost, mutilated, or destroyed, he shall issue to the applicant a new certificate or declaration. If the certificate or declaration has been mutilated, it shall be surrendered to the Commissioner or a Deputy Commissioner before the applicant may receive such new certificate or declaration. If the certificate or declaration has been lost, the applicant or any other person who may come into possession of it is hereby required to surrender it to the Commissioner or a Deputy Commissioner.

(c) The Commissioner or a Deputy Commissioner shall issue for any naturalized citizen, on such citizen's application therefor, a special certificate of naturalization for use by such citizen only for the purpose of obtaining recognition as a citizen of the United States by a foreign state. Such certificate when issued shall be furnished to the Secretary of State for transmission to the proper authority in such foreign state.

(d) If the name of any naturalized citizen has, subsequent to naturalization, been changed by order of any court of competent jurisdiction, or by marriage, the citizen may make application for a new certificate of naturalization in the new name of such citizen. If the Commissioner or a Deputy Commissioner finds the name of the applicant to have been changed as claimed, the Commissioner or a Deputy Commissioner shall issue to the applicant a new certificate and shall notify the naturalization court of such action.

(e) The Commissioner or a Deputy Commissioner is authorized to make and issue, without fee, certifications of any part of the naturalization records of any court, or of any certificate of naturalization or citizenship, for use in complying with any statute, State or Federal, or in any judicial proceeding. No such certification shall be made by any clerk of court except upon order of the court.

FISCAL PROVISIONS

SEC. 342. (a) The clerk of each and every naturalization court shall charge, collect, and account for the following fees:

(1) For receiving and filing a declaration of intention, and issuing a duplicate and triplicate thereof, $2.50.

(2) For making, filing, and docketing a petition for naturalization, $5, including the final hearing on such petition, if such hearing be held, and a certificate of naturalization, if the issuance of such certificate is authorized by the naturalization court.

(b) The Commissioner shall charge, collect, and account for the following fees:

(1) For application for record of registry, $18.

(2) For the issuance of each certificate of arrival, $2.50.

(3) For application for a declaration of intention in lieu of a declaration alleged to have been lost, mutilated, or destroyed, $1.

(4) For application for a certificate of naturalization in lieu of a certificate alleged to have been lost, mutilated, or destroyed, $1.

(5) For application for a certificate of derivative citizenship, $5.

(6) For application for the issuance of a special certificate of citizenship to obtain recognition, $5.

(7) For application for a certificate of naturalization under section 323, $1.

(8) For application for a certificate of citizenship in changed name, $5.

(9) Reasonable fees, with the approval of the Secretary, in cases where such fees have not been established by law, to cover the cost of furnishing, to other than officials or agencies of the Federal Government, copies, whether certified or uncertified, of any part of the records, or information from the records, of the service. Such fees shall not exceed a maximum of 25 cents per folio, with a minimum fee of 50 cents for any one such service, in addition to a fee of $1 for any official certification furnished under seal.

(c) The clerk of any naturalization court specified in subsection (a) of section 301 (except the courts specified in subsection (d) of this section), shall account for and pay over to the Commissioner one-half of all fees up to the sum of $6,000, and all fees in excess of $6,000, collected by any such clerk in naturalization proceedings in any fiscal year.

(d) The clerk of any United States district court (except in Alaska) and the clerk of the District Court of the United States for the District of Columbia shall account for and pay over to the Commissioner all fees collected by any such clerks in naturalization proceedings.

(e) The accounting required by subsections (c) and (d) of this section shall be made and the fees paid over to the Commissioner by such respective clerks in their quarterly accounts which they are hereby required to render to the Commissioner within 30 days from the close of each quarter of each and every fiscal year, in accordance with regulations prescribed by the Commissioner.

(f) The clerks of the various naturalization courts shall pay all additional clerical force that may be required in performing the duties imposed by this act upon clerks of courts from fees retained under the provisions of this section by such clerks in naturalization proceedings.

(g) All fees collected by the Commissioner and all fees paid over to the Commissioner by clerks of naturalization courts under the provisions of this act, shall be deposited by the Commissioner in the Treasury of the United States.

(h) In all naturalization proceedings in which an alien applying for a certificate of naturalization or of citizenship is represented by counsel, there is hereby established a limit of $25 for counsel's fees, except where legal action before a court requires extended legal service when the court may approve a reasonable fee in excess of $25.

(i) During the time when the United States is at war no clerk of a United States court shall charge or collect a naturalization fee from an alien in the military or naval service of the United States for filing a petition for naturalization or issuing a certificate of naturalization upon admission to citizenship, and no clerk of any State court shall charge or collect any fee for such services unless the laws of the State require such charge to be made, in which case nothing more than the portion of the fee required to be paid to the State shall be charged or collected. A report of all transactions under this subsection shall be made to the Commissioner as in the case of other reports required of clerks of courts by this act.

(j) In addition to the other fees required by this act, the petitioner for naturalization shall, upon the filing of a petition for naturalization, deposit with and pay to the clerk of the naturalization court a sum of money sufficient to cover the expenses of subpenaing and paying the legal fees of any witnesses for whom such petitioner may request a subpena, and upon the final discharge of such witnesses, they shall receive, if they demand the same from the clerk, the customary and usual witness fees from the moneys which the petitioner shall have paid to such clerk for such purpose, and the residue, if any, shall be returned by the clerk to the petitioner.

Mail

SEC. 343. All mail matter of whatever class, relating to naturalization, including duplicate papers required by law or regulation to be sent to the Service by clerks of courts addressed to the Department of Labor or the Service, or any official thereof, and endorsed "Official Business," shall be transmitted free of postage and by registered mail if necessary, and so marked.

Textbooks

SEC. 344. Authorization is hereby granted for the publication and distribution of the citizenship textbook described in subsection (c) of section 327, and for the reimbursement of the printing and binding appropriation of the Department of Labor upon the records of the Treasury Department from the naturalization fees deposited in the Treasury through the Service for the cost of such publication and distribution, such reimbursement to be made upon statements by the Commissioner of books so published and distributed.

Compilation of naturalization statistics

SEC. 345. The Commissioner is authorized and directed to prepare from the records in the custody of the Service a report upon those heretofore seeking citizenship to show by nationalities their relation to the numbers of aliens annually arriving and to the prevailing census populations of the foreign born, their economic, vocational, and other classification, in statistical form, with analytical comment thereon, and to prepare such report annually hereafter. Payment for the equipment used in preparing such compilation shall be made from the appropriation, Salaries and Expenses, Immigration and Naturalization Service.

PENAL PROVISIONS

SEC. 346. (a) It is hereby made a felony for any alien or other person whether an applicant for naturalization or citizenship, or otherwise, and whether an employee of the Government of the United States or not—

(1) Knowingly to make a false statement under oath, either orally or in writing, in any case, proceeding, or matter relating to, or under, or by virtue of any law of the United States relating to naturalization or citizenship.

(2) Knowingly to procure or attempt to procure—

a. The naturalization of any such person, contrary to the provisions of any law; or

b. Documentary or other evidence of naturalization or of citizenship of any such person, contrary to the provisions of any law.

(3) To procure or attempt to procure any documentary or other evidence of naturalization or of citizenship of any person knowing or having reason to believe that such person is not entitled thereto.

(4) To encourage, advise, aid, or assist any person—

a. Not then entitled or qualified under this act to apply for a declaration of intention, to apply for such declaration of intention, with knowledge or having reason to believe that such person was not then so entitled or qualified; or

b. Not then entitled or qualified under this act to secure a declaration of intention, to obtain such declaration of intention, with knowledge that such person was not then so entitled or qualified; or

c. Not then entitled or qualified under this act to apply for naturalization or citizenship, to apply for such naturalization or citizenship, with knowledge that such person was not then so entitled or qualified; or

d. Not then entitled or qualified under this act to obtain naturalization or citizenship, to obtain such naturalization or citizenship, with knowledge that such person was not then so entitled or qualified; or

e. Not then entitled or qualified under this act to apply for documentary or other evidence of naturalization or of citizenship, to apply for such documentary or other evidence of naturalization or of citizenship, with knowledge that such person was not then so entitled or qualified; or

f. Not then entitled or qualified under this act to obtain documentary or other evidence of naturalization or of citizenship, to obtain such documentary or other evidence of naturalization or of citizenship, with knowledge that such person was not then so entitled or qualified.

(5) To encourage, aid, advise, or assist any person not entitled thereto to obtain, accept, or receive any certificate of arrival, declaration of intention, certificate of naturalization, or certificate of citizenship, or other documentary evidence of naturalization or of citizenship—

a. Knowing the same to have been procured by fraud; or

b. Knowing the same to have been procured by the use or means of any false name or false statement given or made with the intent to procure the issuance of such certificate of arrival, declaration of intention, certificate of naturalization, or certificate of citizenship, or other documentary evidence of naturalization or of citizenship; or

c. Knowing the same to have been fraudulently altered in any manner.

(6) Knowingly, in any naturalization or citizenship proceeding, whether as the applicant, declarant, petitioner, witness, or otherwise in such proceeding—

a. To personate another person;

b. To appear falsely in the name of a deceased person, or in an assumed or fictitious name.

(7) Knowingly, contrary to the provisions of this act—

a. To issue a certificate of arrival, declaration of intention, certificate of naturalization, certificate of citizenship, or any other documentary evidence of naturalization or of citizenship; or

b. To assist in or be a party to the issuance of a certificate of arrival, declaration of intention, certificate of naturalization, certificate of citizenship, or any other documentary evidence of naturalization or of citizenship.

(8) Knowingly to possess, without lawful authority or lawful excuse, and with intent unlawfully to use the same, any false, forged, antedated, or counterfeited certificate of arrival, declaration of intention, certificate or naturalization, certificate of citizenship, or any other documentary evidence of naturalization or of citizenship, purporting to have been issued under any law of the United States relating to naturalization or citizenship, knowing such certificate of arrival, declaration of intention, certificate of nauralization, certificate of citizenship, or any other documentary evidence of naturalization or of citizenship to be false, forged, antedated, or counterfeited.

(9) Falsely to make, forge, or counterfeit any oath, notice, affidavit, certificate of arrival, declaration of intention, certificate of naturalization, certificate of citizenship, or any other documentary evidence of naturalization or of citizenship, or any order, record, signature, or other instrument, paper, or proceeding, required or authorized by any law relating to naturalization or citizenship.

(10) To cause or procure to be falsely made, forged, or counterfeited, any oath, notice, affidavit, certificate, certificate of arrival, declaration of intention, certificate of naturalization, certificate of citizenship, or any other documentary evidence of naturalization or of citizenship, or any order, record, signature, or other instrument, paper, or proceeding, required or authorized by any law relating to naturalization or citizenship.

(11) To aid or assist in falsely making, forging, or counterfeiting, any oath, notice, affidavit, certificate, certificate of arrival, declaration of intention, certificate of naturalization, certificate of citizenship, or any other documentary evidence of naturalization or of citizenship, or any order, record, signature, or other instrument, paper, or proceeding, required or authorized by any law relating to naturalization or citizenship.

(12) To utter, sell, dispose of, or use as true or genuine, for any unlawful purpose, any false, forged, antedated, or counterfeited oath, notice, affidavit, certificate, certificate of arrival, declaration of intention, certificate of naturalization, certificate of citizenship, or any other documentary evidence of naturalization or of citizenship, or any order, record, signature, or other instrument, paper, or proceeding, required or authorized by any law relating to naturalization or citizenship.

(13) To sell, or dispose of unlawfully, a declaration of intention, certificate of naturalization, certificate of citizenship, or any other documentary evidence of naturalization or of citizenship.

(14) Knowingly to use in any manner for the purpose of registering as a voter, or as evidence of a right to vote, or otherwise unlawfully, any order, certificate, certificate of naturalization, certificate of citizenship, judgment, decree, or exemplification, showing any person to be naturalized or admitted to be a citizen, whether heretofore or hereafter issued or made, which has been unlawfully issued or made.

(15) Knowingly and unlawfully to use, or attempt to use, any order, certificate, certificate of naturalization, certificate of citizenship, judgment, decree, or exemplification, showing any person to be naturalized or admitted to be a citizen, whether heretofore or hereafter issued or made, which has been issued to or in the name of any other person or in a fictitious name, or in the name of a deceased person.

(16) To use or attempt to use any certificate of arrival, declaration of intention, certificate of naturalization, certificate of citizenship, or other documentary evidence of naturalization or of citizenship heretofore or which may hereafter be issued or granted, knowing the same to be forged, counterfeited, or antedated, or to have been procured by fraud or by false evidence, or without appearance or hearing of the applicant in court where such appearance and hearing are required, or otherwise unlawfully obtained.

(17) To aid, assist, or participate in the use of any certificate of arrival, declaration of intention, certificate of naturalization, certificate of citizenship, or other documentary evidence of naturalization or of citizenship heretofore or which may hereafter be issued or granted, knowing the same to be forged, counterfeited, or antedated, or to have been procured by fraud or by false evidence, or without appearance or hearing of the applicant in court where such appearance and hearing are required, or otherwise unlawfully obtained.

(18) Knowingly to falsely represent himself to be a citizen of the United States without having been naturalized or admitted to citizenship, or without otherwise being a citizen of the United States.

(19) Knowingly, with the intent to avoid any duty or liability imposed or required by law, to deny that he has been naturalized or admitted to be a citizen, after having been so naturalized or admitted.

(20) To engrave, without lawful authority, any plate in the likeness of any plate designed for the printing of a declaration of intention, or certificate of naturalization, or certificate of citizenship, or any other documentary evidence of naturalization or of citizenship.

(21) To cause or procure to be engraved, without lawful authority, any plate in the likeness of any plate designed for the printing of a declaration of intention, or certificate of naturalization, or certificate of citizenship, or any other documentary evidence of naturalization or of citizenship.

(22) To assist in engraving, without lawful authority, any plate in the likeness of any plate designed for the printing of a declaration of intention, or certificate of naturalization, or certificate of citizenship, or any other documentary evidence of naturalization or of citizenship.

(23) To sell any plate in the likeness of any plate designed for the printing of a declaration of intention, or certificate of naturalization, or certificate of citizenship, or any other documentary evidence of naturalization or of citizenship, except by direction of the Commission or other proper officer of the United States.

(24) To bring into the United States from any foreign place any plate in the likeness of any plate designed for the printing of a declaration of intention, certificate of naturalization, or certificate of citizenship, or any other documentary evidence of naturalization or of citizenship, except by direction of the Commissioner or other proper officer of the United States.

(25) To have in the control, custody, or possession of any such alien or other person, any metallic plate engraved after the similitude of any plate from which any declaration of intention, or certificate

of naturalization, or certificate of citizenship, or any other documentary evidence of naturalization or of citizenship, has been or is to be printed, with intent to use or to suffer such plate to be used in forging or counterfeiting any such declaration of intention, or certificate of naturalization, or certificate of citizenship, or other documentary evidence or any part thereof.

(26) To bring into the United States from any foreign place, except by direction of the Commissioner or other proper officer of the United States, any declaration of intention, or certificate of naturalization, or certificate of citizenship, or any other documentary evidence of naturalization or of citizenship, printed from any metallic plate engraved after the similitude of any plate from which any declaration of intention, certificate of naturalization, or certificate of citizenship, or any other documentary evidence of naturalization or of citizenship has been or is to be printed.

(27) To have in his possession, without lawful authority, any blank certificate of arrival, blank declaration of intention, or blank certificate of naturalization or of citizenship, provided by the Service, with the intent unlawfully to use the same.

(28) To have in his possession a distinctive paper which has been adopted by the proper officer or agency of the United States for the printing or engraving of any declaration of intention, or certificate of naturalization or of citizenship, with intent unlawfully to use the same.

(29) To print, photograph, make, or execute, or in any manner cause to be printed, photographed, made, or executed, without lawful authority, any print or impression in the likeness of any certificate of arrival, declaration of intention, or certificate of naturalization or of citizenship, or any part thereof.

(30) Knowingly to procure or attempt to procure an alien or other person to violate any of the provisions of this act.

(31) Failing, after at least 60 days' notice, by the appropriate court or the Commissioner or a Deputy Commissioner, to surrender a certificate of naturalization or citizenship which has been canceled, in accordance with the provisions of this act, such person having such certificate in his possession or under his control.

(32) Knowingly to certify that an applicant, declarant, petitioner, affiant, witness, deponent, or other person named in an application, declaration, petition, affidavit, deposition, or certificate of naturalization, or certificate of citizenship, or other paper or writing required or authorized to be executed or used under the provisions of this act, personally appeared before the person making such certification and was sworn thereto or acknowledged the execution thereof, or signed the same, when in fact such applicant, declarant, petitioner, affiant, witness, deponent, or other person, did not personally appear before the person making such certification, or was not sworn thereto, or did not execute the same, or did not acknowledge the execution thereof.

(33) Knowingly to demand, charge, solicit, collect, or receive, or agree to charge, solicit, collect, or receive any other or additional fees or moneys in naturalization or citizenship or other proceedings under this act than the fees and moneys specified in such act.

(34) Willfully to neglect to render true accounts of moneys received by any clerk of a naturalization court or such clerk's assistant or any other person under this act or willfully to neglect to pay over any balance of such moneys due to the United States within 30 days after said payment shall become due and demand therefor has been made and refused, which neglect shall constitute embezzlement of the public moneys.

(b) The provisions of this section shall apply to copies and duplicates of certificates of arrival, of declarations of intention, of certificates of naturalization, of certificates of citizenship, and of other documents required or authorized by the naturalization laws and citizenship laws as well as to the originals of such certificates of arrival, declarations of intention, certificates of naturalization, certificates of citizenship, and other documents, whether issued by any court or by the Commissioner or a Deputy Commissioner.

(c) The provisions of this section shall apply to all proceedings had or taken or attempted to be had or taken, before any court specified in subsection (a) of section 301, or any court, in which proceedings for naturalization may have been or may be commenced or attempted to be commenced, and whether or not such court at the time such proceedings were had or taken was vested by law with jurisdiction in naturalization proceedings.

(d) Any person violating any provision of subsection (a) of this section shall be fined not more than $5,000, or imprisoned not more than 5 years, or both.

(e) Any person who has been subpenaed under the provisions of subsection (d) of section 309 to appear on the final hearing of a petition for naturalization, and who shall neglect or refuse to so appear and to testify, if in the power of such person to do so, shall be subject to the penalties prescribed by subsection (d) of this subsection.

(f) If any person shall use the endorsement "Official Business" authorized by section 343 to avoid payment of postage or registry fee on a private letter, package, or other matter in the mail, such person shall be guilty of a misdemeanor and subject to a fine of $300, to be prosecuted in any court of competent jurisdiction.

(g) No person shall be prosecuted, tried, or punished for any crime arising under the provisions of this act unless the indictment is found or the information is filed within 5 years next after the commission of such crime.

(h) For the purpose of the prosecution of all crimes and offenses against the naturalization or citizenship laws of the United States which may have been committed prior to the date when this act shall go into effect, the existing naturalization and citizenship laws shall remain in full force and effect.

(i) It shall be lawful and admissible as evidence in any proceedings founded under this act, or any of the penal or criminal provisions of the immigration, naturalization or citizenship laws, for any officer or employee of the United States to render testimony as to any statement voluntarily made to such officer or employee in the course of the performance of the official duties of such officer or employee by any defendant at the time of or subsequent to the alleged commission of any crime or offense referred to in this section which may tend to show that such defendant did not or could not have had knowledge of any matter concerning which such defendant is shown to have made affidavit, or oath, or to have been a witness pursuant to such law or laws.

(j) In case any clerk of court shall refuse or neglect to comply with any of the provisions of section 337 (a), (b), (c), or (d), such clerk of court shall forfeit and pay to the United States the sum of $25 in each and every case in which such violation or omission occurs, and the amount of such forfeiture may be recovered by the United States in an action of debt against such clerk.

(k) If any clerk of court shall fail to return to the Service or properly account for any certificate of naturalization furnished by the Service as provided in subsection (e) of section 337, such clerk of court shall be liable to the United States in the sum of $50, to be recovered in an action of debt, for each and every such certificate not properly accounted for or returned.

(l) The provisions of subsections (a), (b), (d), (g), (h), and (i) of this section shall apply in respect of the application for and the record of registry authorized by section 328, in the same manner and to the same extent, including penalties, as they apply in any naturalization or citizenship proceeding or any other proceeding under section 346.

SAVING CLAUSES

SEC. 347. (a) Nothing contained in either chapter III or in chapter V of this act, unless otherwise provided therein, shall be construed to affect the validity of any declaration of intention, petition for naturalization, certificate of naturalization or of citizenship, or other document or proceeding which shall be valid at the time this act shall take effect; or to affect any prosecution, suit, action, or proceedings, civil or criminal, brought, or any act, thing, or matter, civil or criminal, done or existing, at the time this act shall take effect; but as to all such prosecutions, suits, actions, proceedings, acts, things, or matters, the statutes or parts of statutes repealed by this act, are hereby continued in force and effect.

(b) Any petition for naturalization heretofore filed which may be pending at the time this act shall take effect shall be heard and determined within 2 years thereafter in accordance with the requirements of law in effect when such petition was filed.

CHAPTER IV—LOSS OF NATIONALITY

SEC. 401. A person who is a national of the United States, whether by birth or naturalization, shall lose his nationality by:

(a) Obtaining naturalization in a foreign state, either upon his own application or through the naturalization of a parent having legal custody of such person: *Provided, however,* That nationality shall not be lost as the result of the naturalization of a parent unless and until the child shall have attained the age of 23 years without acquiring permanent residence in the United States: *Provided further,* That a person who has acquired foreign nationality through the naturalization of his parent or parents, and who at the same time is a citizen of the United States, shall, if abroad and he has not heretofore expatriated himself as an American citizen by his own voluntary act, be permitted within 2 years from the effective date of this act to return to the United States and take up permanent residence therein, and it shall be thereafter deemed that he has elected to be an American citizen. Failure on the part of such person to so return and take up permanent residence in the United States during such period shall be deemed to be a determination on the part of such person to discontinue his status as an American citizen, and such person shall be forever estopped by such failure from thereafter claiming such American citizenship; or

(b) Taking an oath or making an affirmation or other formal declaration of allegiance to a foreign state; or

(c) Entering, or serving in, the armed forces of a foreign state unless expressly authorized by the laws of the United States; or

(d) Accepting, or performing the duties of, any office, post, or employment under the government of a foreign state or political subdivision thereof for which only nationals of such state are eligible; or

(e) Voting in a political election in a foreign state or participating in an election or plebiscite to determine the sovereignty over foreign territory; or

(f) Making a formal renunciation of nationality before a diplomatic or consular officer of the United States in a foreign state, in such form as may be prescribed by the Secretary of State; or

(g) Deserting the military or naval service of the United States in time of war, provided he is convicted thereof by a court martial.

SEC. 402. A national of the United States who was born in any incorporated Territory of the United States or who was born in any place outside of the jurisdiction of the United States of a parent who was born in any incorporated Territory of the United States, shall be presumed to have expatriated himself under subsection (c) or (d) of section 401, when he shall remain for 6 months or longer within any foreign state of which he or either of his parents shall have been a national according to the laws of such foreign state,

or within any place under control of such foreign state, and such presumption shall exist until overcome whether or not the individual has returned to the United States. Such presumption may be overcome on the presentation of satisfactory evidence to a diplomatic or consular officer of the United States, or to an immigration officer of the United States, under such rules and regulations as the Department of State and the Department of Labor jointly prescribe. However, no such presumption shall arise with respect to any officer or employee of the United States while serving abroad as such officer or employee, nor to any accompanying member of his family.

SEC. 403. (a) Except as provided in subsection (g) of section 401, no national can expatriate himself, or be expatriated, under this section while within the United States or any of its outlying possessions, but expatriation shall result from the performance within the United States or any of its outlying possessions of any of the acts or the fulfillment of any of the conditions specified in this section if and when the national thereafter takes up a residence abroad.

(b) No national under 18 years of age can expatriate himself under subsections (b) to (g), inclusive, of section 401.

SEC. 404. A person who has become a national by naturalization shall lose his nationality by:

(a) Residing for at least 2 years in the territory of a foreign state of which he was formerly a national or in which the place of his birth is situated, if he acquires through such residence the nationality of such foreign state by operation of the law thereof; or

(b) Residing continuously for 3 years in the territory of a foreign state of which he was formerly a national or in which the place of his birth is situated, except as provided in section 406 hereof.

(c) Residing continuously for 5 years in any other foreign state, except as provided in section 406 hereof.

SEC. 405. Section 404 shall have no application to a person:

(a) Who resides abroad in the employment and under the orders of the Government of the United States;

(b) Who is receiving compensation from the Government of the United States and residing abroad on account of disability incurred in its service.

SEC. 406. Subsections (b) and (c) of section 404 shall have no application to a person:

(a) Who shall have resided in the United States not less than 25 years subsequent to his naturalization and shall have attained the age of 65 years when the foreign residence is established;

(b) Who is residing abroad upon the date of the approval of this act, or who is thereafter sent abroad, and resides abroad temporarily, solely or principally to represent a bona fide American educational, scientific, philanthropic, religious, commercial, or financial organization, having its principal office or place of business in the United States, or an international agency of an official character in which the United States participates, for which he receives a substantial compensation;

(c) Who is residing abroad on account of ill health;

(d) Who is residing abroad for the purpose of pursuing studies of a specialized character or attending an institution of learning of a grade above that of a preparatory school, provided that such residence does not exceed 5 years;

(e) Who is the wife, husband, or child under 21 years of age, and is residing abroad for the purpose of being with a naturalized spouse or parent who comes within the scope of section 405 or subsections (a), (b), (c), or (d) hereof;

(f) Who was born in the United States or one of its outlying possessions, who originally had American nationality, and who, after having lost such nationality through marriage to an alien, reacquired it.

SEC. 407. A person having American nationality, who is a minor and is residing in a foreign state with or under the legal custody of a parent who loses American nationality under section 404 of this act, shall at the same time lose his American nationality if such minor has or acquires the nationality of such foreign state: *Provided*, That, in such case, American nationality shall not be lost as the result of loss of American nationality by the parent unless and until the child attains the age of 23 years without having acquired permanent residence in the United States.

SEC. 408. The loss of nationality under this act shall result solely from the performance by a national of the acts or fulfillment of the conditions specified in this act.

SEC. 409. Nationality shall not be lost under the provisions of section 404 or 407 of this act until the expiration of 1 year following the date of the approval of this act: *Provided, however*, That a naturalized person who shall have become subject to the presumption that he has ceased to be an American citizen as provided for in the second paragraph of section 2 of the act of March 2, 1907 (34 Stat. 1228), and who shall not have overcome it under the rules in effect immediately preceding the date of the approval of this act, shall continue to be subject to such presumption for the period of 1 year following the date of the approval of this act unless it is overcome during such period.

SEC. 410. Nothing in this act shall be applied in contravention of the provisions of any treaty or convention to which the United States is a party upon the date of the approval of this act.

CHAPTER V—MISCELLANEOUS

SEC. 501. Whenever a diplomatic or consular officer of the United States has reason to believe that a person while in a foreign state has lost his American nationality under any provision of chapter IV of this act, he shall certify the facts upon which such belief is based to the Department of State, in writing, under regulations to be prescribed by the Secretary of State. If the report of the diplomatic or consular officer is approved by the Secretary of State, a copy of the certificate shall be forwarded to the Department of Labor, for its information, and the diplomatic or consular office in which the report was made shall be directed to forward a copy of the certificate to the person to whom it relates.

SEC. 502. The Secretary of State is hereby authorized to issue, in his discretion and in accordance with rules and regulations prescribed by him, a certificate of nationality for any person not a naturalized citizen of the United States who presents satisfactory evidence that he is an American national and that such certificate is needed for use in judicial or administrative proceedings of a foreign state. Such certificate shall be solely for use in the case for which it was issued and shall be transmitted by the Secretary of State through appropriate official channels to the judicial or administrative officers of the foreign state in which it is to be used.

SEC. 503. The following acts or parts of acts are hereby repealed:

Section 1992, Revised Statutes (U. S. C., title 8, sec. 1);

Section 1993, Revised Statutes, as amended by section 1, act of May 24, 1934 (48 Stat. 797; U. S. C., title 8, sec. 6);

Section 2166, Revised Statutes, as limited by section 2, act of May 9, 1918 (40 Stat. 546–547; U. S. C., title 8, sec. 395);

Section 2172, Revised Statutes (U. S. C., title 8, sec. 7);

Section 100, act of April 30, 1900 (31 Stat. 161; U. S. C., title 8, sec. 385 (first paragraph));

Act of June 29, 1906, chapter 3592 (34 Stat. 596) (except subdivisions 6 and 8 of sec. 4 and secs. 10, 16, 17, 19, and 26, thereof), as added to, supplemented, or amended by section 1, act of June 25, 1910 (36 Stat. 829); section 1, and second paragraph of section 3, act of May 9, 1918 (40 Stat. 542–546, 547, 548); act of June 8, 1926 (44 Stat. 709); section 4, act of February 25, 1927 (44 Stat. 1235); act of March 2, 1929 (45 Stat. 1512) (except sec. 6 (e), and sec. 7 (b), thereof); section 1, act of March 4, 1929 (45 Stat. 1545); act of June 21, 1930 (46 Stat. 791); sections 1, 2, 3, and 4 (a), act of March 3, 1931 (46 Stat. 1511); act of May 25, 1932 (47 Stat. 165) (except secs. 1, 5, and 7, thereof); and act of April 19, 1934 (48 Stat. 597); United States Code, title 8, sections 18, 106, 106a, 106b, 106c, 351, 352, 353, 354, 356, 357, 358, 358a, 360, 364, 365, 372, 373, 377, 377c, 378, 379, 380, 380b, 381, 382, 384, 386, 387, 388, 389, 391, 392, 393, 394, 396, 397, 398, 399, 399a, 399b (a), 399b (b), 399b (c), 399b (d), 399c (a), 399c (b), 399c (c), 399d, 400, 401, 402, 403, 404, 405, 408, 409, 410, 411, 412, 413, 414, and 415;

Sections 2, 5, 6, and 7, act of March 2, 1907 (34 Stat. 1228 1229), as amended by section 2, act of May 24, 1934 (48 Stat. 797; U. S. C., title 8, secs. 8, 16, and 17);

Sections 74 to 81, inclusive, act of March 4, 1909 (35 Stat. 1102–1103; U. S. C., title 18, secs. 135 and 137 to 143, inclusive);

That portion of section 1, act of August 22, 1912 (37 Stat. 356; U. S. C., title 8, sec. 11), reading as follows:

"SEC. 1998. That every person who hereafter deserts the military or naval service of the United States, or who, being duly enrolled, departs the jurisdiction of the district in which he is enrolled, or goes beyond the limits of the United States, with intent to avoid any draft into the military or naval service, lawfully ordered, shall be liable to all the penalties and forefeitures of section 1996 of the Revised Statutes of the United States: *Provided*, That the provisions of this section and said section 1996 shall not apply to any person hereafter deserting the military or naval services of the United States in time of peace: * * *";

So much of section 1, act of October 6, 1917, chapter 79 (40 Stat. 376; U. S. C., title 39, sec. 324), as reads as follows: "*Provided further*, That all mail matter, of whatever class, relating to naturalization, including duplicate papers required by law or regulation to be sent to the Bureau of Naturalization by clerks of State or Federal courts, addressed to the Department of Labor, or the Bureau of Naturalization, or to any official thereof, and endorsed 'official business,' shall be transmitted free of postage, and by registered mail if necessary, and so marked: *Provided further*, That if any person shall make us of such endorsement to avoid payment of postage or registry fee on his or her private letter, package, or other matter in the mail, the person so offending shall be guilty of a misdemeanor and subject to a fine of $300, to be prosecuted in any court of competent jurisdiction.";

Section 1, last priviso of section 2, and second paragraph of section 3, act of May 9, 1918 (40 Stat. 542–546, 547, 548), as amended by section 6 (c), (d), act of March 2, 1929 (45 Stat. 1514); act of June 21, 1930 (46 Stat. 791); and sections 2 (a), 3, and 10, act of May 25, 1932 (47 Stat. 165–166; U. S. C., title 8, secs. 18, 354, 377, 378, 384, 387, 388, 389, 391, 392, 393, 394, 395, 403, and 405);

Proviso to second paragraph of section 4, chapter XII, act of July 9, 1918, chapter 143 (40 Stat. 885; U. S. C., title 8, sec. 366);

Second proviso to section 1, act of August 31, 1918, chapter 166 (40 Stat. 955);

Act of November 6, 1919, chapter 95 (41 Stat. 350; U. S. C., title 8, sec. 3);

Sections 1, 2, 3, and 4, act of September 22, 1922 (42 Stat. 1021–1022); as amended by sections 1 and 2, act of July 3, 1930 (46 Stat. 854); section 4, act of March 3, 1931 (46 Stat. 1511–1512); and section 4, act of May 24, 1934 (48 Stat. 797; U. S. C., title 8, secs. 367, 368, 368a, 369, and 369a);

Act of June 8, 1926 (44 Stat. 709; U. S. C., title 8, sec. 399a);

Section 4, act of February 25, 1927 (44 Stat. 1235; U. S. C., title 8, sec. 358a);

Act of March 2, 1929, chapter 536 (45 Stat. 1512–1516) (except sec. 6 (e), and sec. 7 (b)); as amended or added to by sections 4,

5, and 6, act of May 25, 1932 (47 Stat. 165–166); and sections 1, 2, 3, 4, and 6, act of April 19, 1934 (48 Stat. 597–598; U. S. C., title 8, secs. 106a, 106b, 106c, 356, 377b, 377c, 379, 380a, 380b, 382, 388, 399b (a), 399b (b), 399b (c), 399b (d), 99c (a), 399c (b), 399c (c), 399d, 399e, and 402);

Section 1, act of March 4, 1929 (45 Stat. 1545; U. S. C., title 8, sec. 373);

Act of June 21, 1930 (46 Stat. 791; U. S. C., title 8, sec. 18);

Section 2, act of July 3, 1930 (46 Stat. 854; U. S. C., title 8, sec. 369);

Act of February 11, 1931 (46 Stat. 1087; U. S. C., title 8, sec. 366a);

Act of March 3, 1931 (46 Stat. 1511–1512) (except section 4 (b), thereof) (U. S. C., title 8, secs. 9, 372a, 396, and 397);

Sections 2, 3, 4, 6, 8, 9, and 10, act of May 25, 1932 (47 Stat. 165–166); as amended by section 2, act of April 19, 1934 (48 Stat. 597; U. S. C., title 8, secs. 356 (a), 377, 377b, 384, 388, 399b (b), and 399h (c));

Act of April 19, 1934 (48 Stat. 597–598; U. S. C., title 8, secs. 106a (b), 380a, 399b (a), 399b (b), 399b (c), 399c (a), 399f, and 402);

Sections 1, 2, 3, and 4, Act of May 24, 1934 (48 Stat. 797; U. S. C., title 8, secs. 6, 8, 17a, and 368); and

Second proviso to act of June 27, 1934 (48 Stat. 1245, ch. 845; U. S. C., title 48, sec. 733b);

Act of June 24, 1935, chapter 288 (49 Stat. 395);

Act of June 24, 1935, chapter 290 (49 Stat. 397);

Act of June 25, 1936, chapter 811 (49 Stat. 1925–1926);

Act of June 25, 1936, chapter 801 (49 Stat. 1917);

Section 3, act of July 30, 1937 (50 Stat. 548);

Act of August 4, 1937, chapter 563 (50 Stat. 558);

Act of May 16, 1938, chapter 225 (52 Stat. 377);

Joint resolution of June 29, 1938 (52 Stat. 1247);

Act of June 20, 1939, chapter 224 (53 Stat. 843–844);

Act of August 9, 1939, chapter 610 (53 Stat. 1273);

And any other acts or parts of acts in conflict with the provisions of this act, except for the purposes of section 346 of this act.

The repeal herein provided shall not terminate nationality heretofore lawfully acquired, nor restore nationality heretofore lost under any law of the United States or any treaty to which the United States may have been a party.

SEC. 504. If any provision of this act shall for any reason be declared by any court of competent jurisdiction to be invalid, such declaration shall not invalidate the remainder of this act.

TITLE II

SEC. 601. This act shall take effect from and after 90 days from the date of its approval.

Mr. DICKSTEIN (interrupting reading of the bill). Mr. Chairman, I ask unanimous consent that the further reading of the bill be dispensed with and that the bill be printed in the RECORD.

Mr. JENKINS of Ohio. Mr. Chairman, reserving the right to object, does the gentleman mean that any amendments may be offered?

Mr. DICKSTEIN. Mr. Chairman, I want to avoid reading 100 pages of this bill for amendment.

Mr. JENKINS of Ohio. Mr. Chairman, do I understand that the gentleman means any amendment may be offered any place?

Mr. DICKSTEIN. Yes; any amendment that is germane to the bill.

Mr. MICHENER. The gentleman's request is that the further reading of the bill be dispensed with and that it be in order to offer germane amendments to any part of the bill?

Mr. DICKSTEIN. That is my intention.

The CHAIRMAN. Is there objection to the request of the gentleman from New York [Mr. DICKSTEIN]?

There was no objection.

Mr. DICKSTEIN. Mr. Chairman, the committee has authorized the gentleman from Kansas [Mr. REES] to offer four amendments.

Mr. REES of Kansas. Mr. Chairman, I offer an amendment which I send to the Clerk's desk.

The Clerk read as follows:

Committee amendment offered by Mr. REES of Kansas: Page 3, line 8, strike out subdivision (e) and insert: "The Attorney General means the Attorney General of the United States."

Page 3, lines 11 and 12, strike out the words "Department of Labor" and insert the words "Department of Justice."

Page 14, line 25, and page 15, line 1; page 15, lines 9 and 23; page 17, lines 5 and 6; page 18, line 25; page 22, line 13; page 39, line 12, strike out the words "Secretary of Labor" and insert the words "Attorney General."

Page 19, line 11; page 36, line 25; page 37, lines 3 and 4; page 40, line 11; page 41, line 2; and page 66, lines 15 and 16, strike out the word "Secretary" and insert the words "Attorney General."

Page 58, lines 8 and 9, strike out the words "or the Commissioner, or a Deputy Commissioner."

Page 69, line 11, and lines 19 and 20; page 87, line 14; page 91, lines 19 and 20; and page 94, line 23, strike out the words "Department of Labor" and insert the words "Department of Justice."

The committee amendment was agreed to.

Mr. REES of Kansas. Mr. Chairman, I offer a further committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. REES of Kansas: On page 34, line 19, strike out the word "three" and insert in lieu thereof the word "five."

The committee amendment was agreed to.

Mr. REES of Kansas. Mr. Chairman, I offer a further committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. REES of Kansas: On page 42, line 23, strike out the word "ten" and insert in lieu thereof the word "seven."

The committee amendment was agreed to.

Mr. REES of Kansas. Mr. Chairman, I have one more amendment.

The Clerk read as follows:

Committee amendment offered by Mr. REES of Kansas: On page 86, line 24, strike out the words "any incorporated territory of;", and on page 87, lines 1 and 2, strike out the words "any incorporated territory of."

The committee amendment was agreed to.

Mr. KING. Mr. Chairman, I ask unanimous consent to revise and extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the Delegate from Hawaii?

There was no objection

Mr. KING. Mr. Chairman, the amendments just adopted to section 402 of H. R. 9980, a bill to revise and codify the nationality laws of the United States into a comprehensive nationality code, correct a feature of this section that would have stigmatized the American citizens of the two incorporated Territories of the United States—that is, Alaska and Hawaii—as alone incurring the presumption of expatriation provided by the section. As first introduced, such presumption was limited to a national "born in any incorporated Territory of the United States" or of "a parent who was born in any incorporated Territory of the United States."

I called this provision to the attention of the chairman of the committee in the following letter:

JUNE 14, 1940.

Hon. SAMUEL DICKSTEIN,
Chairman, Committee on Immigration and Naturalization, House of Representatives.

DEAR MR. CHAIRMAN: I have been studying the bill which you introduced, H. R. 9980, "to revise and codify the nationality laws of the United States into a comprehensive nationality code," and desire to congratulate you on the excellence of this greatly needed legislation. Both the bill and the accompanying report show the result of much study and hard work.

However, I do want to suggest an amendment to section 402, which prescribes that "a national of the United States who was born in any incorporated Territory of the United States or who was born in any place outside of the jurisdiction of the United States of a parent who was born in any incorporated Territory of the United States shall be presumed to have expatriated himself under subsection (c) or (d) of section 401, when he shall remain for 6 months or longer within any foreign state of which he or either of his parents shall have been a national according to the laws of such foreign state, or within any place under control of such foreign state, and such presumption shall exist until overcome, whether or not the individual has returned to the United States."

Whatever may be the reasons for this section, it singles out the two incorporated Territories of the United States for special treatment different from that accorded the several States, and it places upon the American citizens of those two Territories a presumption of guilt under subsection (c) and (d) of section 401, which is not applied to the citizens of the several States. I am not an attorney and cannot speak with any authority on the legal aspects of this provision. However, I am under the impression that it is not constitutional.

If there is some abuse which this section attempts to remedy, the actual language of the section would punish the innocent with the guilty. There may be many nationals of the United States born in Alaska and Hawaii who in all good faith might prolong their visits to the country of their parents' origin beyond 6 months and find themselves expatriated without having violated the provisions of section 401 in any particular. It is also true that there may

be any number of nationals of the United States born in any one of the several States who may visit the country of their parents' origin for periods of 6 months or more and who could with equal justice be presumed to have offended the provisions of section 401.

In other words, there is no justification for singling out the nationals of incorporated territories in this instance. If the objective of this section is considered necessary or desirable, certainly it is just as important to extend this feature of the law to American nationals wherever born. No valid reason exists for adopting a different procedure for United States nationals born in Hawaii than that prescribed for those born in California, for instance.

May I, therefore, suggest and request that the Committee on Immigration and Naturalization accept the following as a committee amendment:

Line 24, page 86, after the word "in", strike out the words "any incorporated territory of."

Also, in lines 1 and 2, page 87, after the word "in", strike out "any incorporated territory of."

I know you will realize that as a Delegate in Congress from Hawaii it is incumbent upon me to protect the interests of the American citizens of my Territory whose loyalty to the United States cannot be questioned. Legislation such as is proposed in section 402 is no more necessary for Hawaii than any other part of the United States.

With highest personal regards, I am,

Sincerely,

SAMUEL W. KING.

As this matter was also one of considerable importance to the Territory of Alaska I called the attention of the Delegate from Alaska [Mr. DIMOND] to the language of the bill as originally introduced. He in turn addressed the chairman of the Committee and the Deputy Commissioner of the Bureau of Immigration and Naturalization, as follows:

JUNE 8, 1940.

Hon. SAMUEL DICKSTEIN,
Chairman, Committee on Immigration and Naturalization, House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: The bill (H. R. 9980) to revise and codify the nationality laws of the United States into a comprehensive nationality code, contains provision in section 402 for a presumption of expatriation of a national to the United States who is born in any incorporated Territory of the United States or who is born in any place outside of the jurisdiction of the United States of a parent who was born in any incorporated Territory of the United States, if such person shall remain for 6 months or longer within any foreign state of which he or either of his parents shall have been a national.

This provision is clearly a discrimination against those who reside in the Territories as compared with those who reside in any of the 48 States. If the rule is a good one, I am unable to understand why it should not apply to the United States and all places subject to its jurisdiction rather than incorporated Territories alone. In Alaska a considerable number of our citizens were born abroad, most of them in the Scandinavian countries. If section 402 should become law, any one of these citizens who happen to remain abroad more than 6 months would be faced with the presumption of loss of citizenship, whereas under similar circumstances a citizen born abroad but residing in one of the States would not be affected.

I respectfully suggest that the entire section 402 should be stricken out, or else should be amended so that its provisions will apply to the United States and all Territories subject to its jurisdiction, and not only to the incorporated Territories.

Sincerely yours,

ANTHONY J. DIMOND,
Delegate.

JUNE 8, 1940.

EDWARD J. SHAUGHNESSY, Esq.,
Deputy Commissioner, Bureau of Immigration and Naturalization, Department of Labor, Washington, D. C.

DEAR MR. SHAUGHNESSY: Attached hereto is copy of self-explanatory letter of even date addressed by me to Hon. Samuel Dickstein, chairman of the House Committee on Immigration and Naturalization, with respect to section 402 of H. R. 9980, a bill to revise and codify the nationality laws of the United States.

So far as I am aware, there are only two incorporated Territories, one being Alaska and the other Hawaii. I am sure that there is no condition of affairs existing in Alaska which would justify the application to that Territory of the provisions of section 402 when all of the 48 States are excepted from its provisions.

The proposed legislation embraced in this section is, in my judgment, highly discriminatory and, therefore, objectionable to the citizens of the Territory. Putting aside for the moment the question of the constitutionality of section 402, I suggest that on grounds of public policy no such legislation should be enacted.

Sincerely yours,

ANTHONY J. DIMOND, *Delegate.*

The chairman of the committee referred the Delegate from Alaska [Mr. DIMOND] and myself to the gentleman from Kansas [Mr. REES], chairman of the subcommittee who drafted this measure. The gentleman from Kansas accorded us every opportunity to present our arguments in opposition to this singling out of the Territories for different treatment. Conferences were called between the representatives of the departments interested, and the amendments that would strike out the objectionable language were accepted. The gentleman from Kansas obtained committee approval of the proposed amendments, which have now been accepted by the House. I know I voice the sentiments of the Delegate from Alaska when I join with other members in expressing appreciation of the thoroughness which the gentleman from Kansas has shown in handling this difficult and complicated legislation. I wish further to express my personal thanks for his consideration of the special problems of the Territories.

The CHAIRMAN. Are there further committee amendments?

Mr. DICKSTEIN. No, Mr. Chairman.

Mr. JENKINS of Ohio. Mr. Chairman, I move to strike out the last word.

I do this, Mr. Chairman, for the purpose of asking some questions of the chairman of the committee and the gentleman from Kansas [Mr. REES], the real author of the bill. When I questioned the distinguished gentleman from Kansas heretofore today, he indicated that the objections that were made by the American coalition had been practically met. As I understand, the amendments offered by the committee do not meet any of the objections offered by the coalition. The amendments offered are only those more or less clerical changes like the substitution of the words "Department of Justice" for "Department of Labor," because the Bureau of Naturalization has been transferred from the Department of Labor to the Department of Justice.

Mr. REES of Kansas. I will answer the gentleman's question, and we can go right down through the objections.

Mr. JENKINS of Ohio. I should like to ask first with reference to section 101 (a).

Mr. REES of Kansas. That has to do with the question of nationals. I discussed that a few minutes ago. The term "nationals" has been used for years and years in the State Department, and it has been used in our treaties. It would be almost impossible to go along without that term. President Coolidge, together with the distinguished Chief Justice of the United States Supreme Court, Mr. Hughes, while Secretary of State, signed a treaty with Bulgaria wherein the term "nationals" is used several times and is defined as "a person owing allegiance to the United States." The term "nationals" has been used in a number of other treaties. It is necessary to use the term. So far as those who made the objection to which the gentlemen refers are concerned, I know they would be satisfied with this term because it has always been used, and it is necessary to write it into the law.

Mr. JENKINS of Ohio. I quite agree with the gentleman. If section 101 (a) should be stricken, then naturally section 101 (b) should also be stricken.

Mr. REES of Kansas. It certainly would not do any good to strike the word "nationals" out of the bill. It would not change the law any.

Mr. JENKINS of Ohio. I agree with the gentleman, because I believe that if it is stricken out something else must be put in its place.

Mr. REES of Kansas. That would have to be done.

Mr. JENKINS of Ohio. Let me proceed further. Did the gentleman go into the objection that this gentleman raises with reference to the fact that section 101 (a) and section 101 (b) applies to residents of Puerto Rico or the Virgin Islands or Hawaii or any other territory or possession that may become a State at some time or another?

Mr. REES of Kansas. Yes. We are in no wise making a State out of Puerto Rico. The term "State" is used only insofar as the question of naturalization is concerned. That is all there is to this. It is used only insofar as the naturalization laws are concerned. The citizens of Puerto Rico are citizens of the United States with the exception of a certain few there. Under a law that was passed about the time we

took over Puerto Rico it was provided that if the people of Puerto Rico so wished they could retain their allegiance to the Spanish Government. It just seems to us that if Puerto Rico is a part of the United States then the people born in Puerto Rico ought to be citizens of the United States. This bill places them in the position of becoming citizens of the United States.

Mr. JENKINS of Ohio. As I understand, a legal, bona fide resident of Puerto Rico is a citizen of the United States.

Mr. REES of Kansas. That is the present law.

Mr. JENKINS of Ohio. And a legal, bona fide resident of the Virgin Islands is a citizen of the United States.

Mr. REES of Kansas. The gentleman from Ohio is correct.

Mr. JENKINS of Ohio. This is the proposition this gentleman advances. Let me read this sentence:

These are unincorporated territories of the United States, and in a broad sense these two sections would confer statehood upon these unincorporated territories.

Mr. REES of Kansas. No; if it conferred statehood I would certainly object to it. I call the attention of the gentleman to the fact that it can be easily explained because they are not citizens of unincorporated States.

Mr. JENKINS of Ohio. I appreciate that what we do in this bill could not confer statehood, but it could complicate the thing if we do something here that would give citizens of that territory full recognition, the same as we would citizens of the State of New York.

Mr. REES of Kansas. I agree with the gentleman that we do not want to confer statehood on Puerto Rico, and we do not do it in this bill. Let me call the attention of the gentleman to the fact that right now our courts down there naturalize citizens, and they have been doing it all the time.

Mr. JENKINS of Ohio. I have apprised the gentleman of these objections, and I am going to yield to his superior information and knowledge about the subject.

Let me proceed to the next objection, if I may.

Regarding section 201 (a) and (b) no change is suggested with the exception of the deletion in the first line of the words "nationals and."

That would revert back to our other objection.

Mr. REES of Kansas. That is correct.

Mr. JENKINS of Ohio. Let us proceed:

Section 201 (c), (d), (e), (f), (g), and (h) should be stricken from the code. The Revised Statutes, section 1993, as amended, should be reenacted as amended. The proposed new section would complicate a situation and extend citizenship too liberally.

What has the gentleman to say about that? I am referring to the second paragraph from the bottom on the first page, which starts "section 201," and so forth.

Mr. DICKSTEIN. Mr. Chairman, will the gentleman yield?

Mr. JENKINS of Ohio. I yield to the gentleman from New York.

Mr. DICKSTEIN. Is the gentleman reading from the bill or is he reading from a letter of the coalition?

Mr. JENKINS of Ohio. I am reading from a letter from the American coalition. The gentleman from Kansas and I both understand what we are covering. We have come up to this gradually.

Mr. DICKSTEIN. Does not the gentleman believe other Members should understand to what the gentleman is referring? Would the gentleman be good enough to tell me where it is?

Mr. REES of Kansas. I will do that. It will take but a moment.

In section 201 there is a provision that Indians, Eskimos, and Aleuts may become citizens of the United States. There are only a few of them. Under the present law there is a question whether or not Indians are citizens. We clear that up, that is all there is to this. The Eskimos are in the same category. There is a little group of folks who live in the Aleutian Islands near Alaska, and we take care of them. This is clarifying the matter for once and for all so we will not have any argument about it one way or the other.

Mr. JENKINS of Ohio. Then the gentleman's justification for that is that if we do not clear it up there will be a loophole and there will be some people not provided for and their citizenship will be indefinite.

[Here the gavel fell.]

Mr. JENKINS of Ohio. Mr. Chairman, I ask unanimous consent to proceed for 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. JENKINS of Ohio. Now, let us see what is set out in section 303.

Mr. REES of Kansas. Does the gentleman want to knock anything out of section 303? I just do not believe that he does.

Mr. JENKINS of Ohio. That has to do with African nativity?

Mr. REES of Kansas. That is right.

Mr. JENKINS of Ohio. And at the present time the gentleman holds they are pretty well taken care of and there is no complaint about that.

Mr. REES of Kansas. I think so; yes. I do not think either the gentleman from Ohio or myself wants to change the present law as it affects the naturalization of colored persons. If someone wants to offer such an amendment, we will be glad to discuss it.

Mr. JENKINS of Ohio. That would be my understanding of that also.

Let us go down to section 307 and see what the gentleman has to say with reference to that:

This subsection should be stricken from the code, as it is indefensible and grossly illogical for a foreigner to claim residence in the United States because he may have happened to have served on a coal barge owned by the United States at some time, when he was, in fact, in the country in violation of the law.

Mr. REES of Kansas. The author of the letter probably has given a rather broad interpretation to this section. Under the present law, if an individual does serve on a ship that belongs to the Government of the United States, the time that he serves on that ship is included in the time that he may have lived in the United States. The present law says that if he serves on a ship that has its home port in the United States, then that time is included; but the old law gave, I believe, about 3 years' time. This code provides that if he does serve he must serve there at least 5 years, and it must be a ship whose home port is in the United States and also must be an American ship. We have strengthened the present law to this extent.

Mr. MASON. It really tightens it up.

Mr. REES of Kansas. In this respect, the ship is regarded as United States soil.

Mr. JENKINS of Ohio. Let us see if this would be a fair statement of the fact. This being simply a bill to regulate naturalization, the individual referred to here would have to prove lawful entry in order to become a citizen of the United States.

Mr. REES of Kansas. He would have to come into this country lawfully.

Mr. JENKINS of Ohio. And simply having served on a coal barge in and out of the country would not be lawful entry.

Mr. REES of Kansas. No; he would have to come in lawfully and show that he had served on this particular ship. I do not know whether it could be a coal barge, but I presume a coal barge might come within that category, although I am not sure.

Mr. JENKINS of Ohio. As I see it, then, if you have prepared this bill with all due care, and I know you have, you can take the position that if you have omitted anything those omissions can be cured in the Senate.

Mr. REES of Kansas. That is correct.

Mr. JENKINS of Ohio. You have not invaded the rights of those who control the matter of legal entry into this country.

Mr. REES of Kansas. No.

Mr. JENKINS of Ohio. That is a province of another department, and in order to have the right to be naturalized at all, a man must always be able to prove lawful entry.

Mr. REES of Kansas. That is correct.

Mr. JENKINS of Ohio. That is one objection many people may have to some features of this bill. If they thought it would permit a man to come in unlawfully, and in spite of his unlawful entry to hide behind this new provision of the law, it would be a very unfortunate situation.

Mr. REES of Kansas. Yes, that is right, but this measure does not have anything to do with the question of immigration at all.

Mr. JENKINS of Ohio. There are many corrections and criticisms made here, but I am not going to be tedious and press them all. I have done this simply that I might bring to the attention of the gentleman and the committee the importance of the measure and to indicate that experts can find many loopholes, and today one of the biggest immigration experts in the United States told me that this bill was full of loopholes. I said, "If you will stop long enough to show me what they are and how to correct them, I will be glad to try to do it." There is one thing about it, however, we can take refuge in the fact that this is not the only day we are going to live, we hope, and it is not the only day Congress is going to be in session, and if this bill is not perfect, we can perfect it as we have been compelled to do in connection with every other gigantic step we have taken in connection with new legislation of this kind.

Mr. REES of Kansas. If the gentleman will permit one further statement, there is a paragraph in that letter calling attention to the question of fingerprinting. That was taken care of by the law passed by this Congress on August 27, 1940.

Mr. JENKINS of Ohio. That is, the Smith bill?

Mr. REES of Kansas. Yes.

Mr. JENKINS of Ohio. I hope we are doing what is best and that time will prove it. If not, we must change it.

The CHAIRMAN. If there are no further amendments, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore, Mr. RAYBURN, having resumed the chair, Mr. WILLIAMS of Missouri, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee having had under consideration the bill H. R. 9980, pursuant to House resolution 544, he reported the same back to the House with sundry amendments adopted in Committee of the Whole.

The SPEAKER pro tempore. Under the rule the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The committee amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The bill was passed.

On motion by Mr. DICKSTEIN a motion to reconsider the vote by which the bill was passed was laid on the table.

GENERAL LEAVE TO EXTEND REMARKS

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their own remarks on this bill.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

EXTENSION OF REMARKS

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent that I may be permitted to extend my remarks by including the message from the President, the submission of the report to the President by the Attorney General, the Secretary of Labor, and the Secretary of State.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. LAMBERTSON. Mr. Speaker, I ask unanimous consent to extend my remarks and include sundry letters and telegrams. I will say this exceeds the limit, but I have an estimate from the Public Printer.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. KING. Mr. Speaker, under previous unanimous consent to revise and extend my remarks on the discussion of the bill H. R. 9980, I ask permission to include some correspondence with various departments of the Government.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent that on Tuesday next, after the disposition of the business on the Speaker's table and the business of the day, I may be permitted to address the House for one-half hour.

The SPEAKER pro tempore. Is there objection?

There was no objection.

ORDER OF BUSINESS

Mr. MICHENER. Mr. Speaker, would the Chair indicate what the program is for tomorrow?

The SPEAKER pro tempore. There are two rules from the Committee on Rules. One of them makes in order a bill from the Committee on the Judiciary, H. R. 7236, known as the tort-disputes bill. There is another report from the Committee on Rules on the bill S. 1610, an act to prevent discrimination against the graduates of certain schools.

Mr. MICHENER. That is from the Committee on the Civil Service?

The SPEAKER pro tempore. That is from the Committee on the Civil Service.

Then the Chair agreed to recognize the gentleman from Virginia [Mr. BLAND] for a unanimous-consent request on a bill which he says has a unanimous report from his committee.

Unless these rules, or one of them, is called up there will be no program for tomorrow except unanimous-consent requests.

The SPEAKER pro tempore. Under previous order of the House the gentleman from Arkansas [Mr. ELLIS] is recognized for 15 minutes.

NATIONAL-DEFENSE EXPANSION—REPLY TO CONGRESSMAN JOHN M'DOWELL'S VERSE AND HUMOR, HIS RHAPSODY AGAINST THE MIDDLE WEST, AND HIS CASTIGATION OF THE OZARK HILLBILLIES

Mr. ELLIS. Mr. Speaker, I rise in defense of the Middle West, of its 62 Members of the House, and of the so-called Ozark hillbillies, all of whom our esteemed colleague from Pennsylvania, the Honorable JOHN MCDOWELL, of Pittsburgh, so thoroughly castigated during my absence last Wednesday while on a defense mission in the West.

Referring to an address which I made in the House on August 26, and which appears in the Appendix of the RECORD, at page 5241 the gentleman stated, on September 4, page 11517 of the RECORD:

> The whole gist of Mr. ELLIS' contention appears to be that Pittsburgh is a rich and busy city, turning out the metals and the hardware and the millions of other objects that are used by people all over the world; and we Pittsburghers confess to the truth of that; but Mr. ELLIS also appears to want to tear down our factories, throw out of work our workingmen, close up our mines and our mills, and remove them to the wild hills of the Ozarks where the business and the prosperity will redound to the everlasting glory of the Ozark hillbillies.

Not until I checked my gifted friend's autobiography in Who's Who in America and found that he lists himself as a "contributor of verse and humor," could I comprehend his eloquent and satirical allusions.

In my statement of August 26 I said not a disparaging word of Pittsburgh, nor of Pennsylvania, nor of any man. To keep the record straight, the situation was briefly this: Nearly a billion dollars of our defense appropriations had been allocated for defense contracts and for the establishment of new defense industries. Most of them had gone to New England. Practically nothing had gone to the Middle West. Not a penny had gone to my State of Arkansas. All this in spite of statements by the President, the National Defense Commission, and the War Department that, in the interest of national defense, many of the proposed new defense factories should be located in those invulnerable areas far distant from the borders. Our people were getting restless. Business and civic leaders of Arkansas, Iowa, Kansas, Minnesota, Missouri, Nebraska, Oklahoma, and North and South Dakota had called a meeting at Kansas City for August 30 in an effort to convince the Government of the logic of its own original thought. The 62 Members of the House from those 9 States had organized for the same purpose and elected as our chairman an able young member of the gentleman's own party. On August 23, Manager Charles E. Robinson, of the Pittsburgh Commission for Industrial Expansion, had written the Honorable William S. Knudsen, of the National Defense Commission, charging that "political pressure is being used to obtain Government plants for 9 Midwestern States unsuited to industry."

In my statement I said, and now repeat:

> Shame on you, Mr. Robinson. * * * Already Pennsylvania has received, out of the vast billions we have appropriated, $182,835,551. Pittsburgh alone has received $12,806,480. Arkansas has received exactly nothing. We love you, Pittsburgh; marvel at your indeterminable industries. We are proud that we of these nine States constitute one-sixth of your domestic market.

The able editor from Pittsburgh, or Wilkinsburg, found cause in my statement to say, with fear and trembling:

> My home has been assailed, my people have been accused, my State has been defamed. * * * I thoroughly agree with Manager Robinson. * * * What manner of reasoning is it that would break up the highly geared mechanical circumstance of the greatest industrial city in the world? * * *

I would humbly suggest that, had the gentleman from Pennsylvania [Mr. McDOWELL] read my statement less recklessly, he would not have become so exacerbated. I challenge him or any other reasonable man to point out any statement or implication wherein I "assailed his home," "accused his people," "defamed his State," or manifested any desire to "break up the greatest industrial city in the world." Nor did I even criticize the Government for allocating $12,000,000 of defense funds to Pittsburgh. I have the confidence in my Government to believe the expenditure was wise, and I am happy for you, but I am disappointed to learn that the gentleman from Pennsylvania [Mr. McDOWELL] "thoroughly agrees with Mr. Robinson" in his ominous fulmination designed to extirpate the inestimable value of the Middle West to the defense of this Nation.

The gentleman's personal reference to me as having been affected by war hysteria and his reference to Arkansas as a State best suited for boiling delirium tremens out of alcoholics is beneath the dignity of a Member of this House, but perhaps is justified as another of his "contributions to verse and humor."

Mr. NORRELL. Mr. Speaker, will the gentleman yield?

Mr. ELLIS. I yield.

Mr. NORRELL. Do you know how he managed to learn that that treatment was given down in Arkansas?

Mr. ELLIS. A lot of people learn by personal experience, but, of course, I am sure he did not learn that way.

Incidentally, the gentleman in his address referred to the conscription bill as "this infamous draft bill" and 3 days later voted against it. His party leader, "Windy" Willkie, finally decided he was for it. Is that war hysteria?

We want nothing from Pittsburgh. There is enough for all. Is not defense as sacred for us as it is for you? You have not heard of us writing the Defense Commission objecting to anybody getting anything. Out West we believe in the philosophy of "live and let live." Furthermore, and I refer to Mr. Robinson, we believe in keeping our noses out of other people's business.

Who is Mr. Robinson anyway? Why, he is the manager of the Pittsburgh Commission for Industrial Expansion. Is he the paid lobbyist of Pittsburgh? Apparently his duties consist also in looking after the industrial contraction of the rest of the Nation.

Mr. EBERHARTER. Will the gentleman yield?

Mr. ELLIS. I yield.

Mr. EBERHARTER. Has the gentleman any foundation for claiming that Mr. Robinson is a paid lobbyist? How does the gentleman know he is paid at all?

Mr. ELLIS. It is my information that he is the manager of the industrial commission of Pittsburgh. Whether he is paid money for it I do not know, but he speaks for Pittsburgh.

Mr. EBERHARTER. The gentleman made the statement that Mr. Robinson was a paid lobbyist from Pittsburgh. Pittsburgh is my home town. From all I understand Mr. Robinson is an industrialist there. He is in business, and he is cooperating with other industrialists there to gear up the Pittsburgh industrial enterprises.

Mr. ELLIS. Then, if I am wrong about his being paid, I stand corrected, but that is not the point. The point is—and I know the gentleman from Pennsylvania, whom I admire greatly, feels this way, too—that he should not be writing the Defense Commission asking them not to give new industries to the Middle West.

Mr. EBERHARTER. I am sure the gentleman from Arkansas will agree that contracts under the defense program of the Government should be allotted to that section of the country which can produce most economically and rapidly. He will also agree that Pittsburgh is the industrial heart of America and is better suited to give immediate response to this urgent demand for national preparedness. Is that not correct?

Mr. ELLIS. I agree with the gentleman. I am talking about new plants for the Middle West. We do not object to Pittsburgh's getting any or all the contracts she can get, but we do object to the gentleman's objecting to our getting anything.

Mr. EBERHARTER. If the gentleman will——

Mr. ELLIS. I am sorry, I cannot yield further, Mr. Speaker; my time is limited.

The trouble with the gentleman from Pennsylvania [Mr. McDOWELL] and Mr. Robinson is that, in the words of Mr. Richard W. Robbins, secretary of the Midwest Defense Conference—

> It is pork if it is for the Middle West, but sugar if it is for Pittsburgh.

Except for those two great barriers, high freight rates and a shortage of cheap, developed power—both of which we are endeavoring to eliminate—we would have already been in this critical hour assisting Pittsburgh and the industrial East materially in their struggle to supply the existing shortage in war materials.

In his address the distinguished gentleman from Pennsylvania made this bold prophecy:

> I shall even venture to make the prediction that the Government of the United States will agree with Manager Robinson.

In his next breath he said:

> The trend of the present administration to break up established and substantial and historic concentrations of industry and labor and skill has been growing more pronounced since 1932.

A bit inconsistent, is not the gentleman from Pennsylvania [Mr. McDOWELL]? In the second breath I know you were wrong, and I believe you were in the first. As proof of the one I refer you to the daily reports of the ever-increasing profits of the great corporations of the country. As proof of the other I quote the Honorable Ralph Budd, member of the Defense Commission, in his address to the Midwest Defense Conference at Kansas City on August 30, which, by the way, was attended by more than 800 delegates from these 9 States:

> Because industry has found it necessary competitively and economically to locate in the East, it does not follow that defense indus-

tries should be so located. There are many reasons why the opposite should be true.

I also quote in full a letter which I have received from the able Secretary of War, also a member of the gentleman's own party:

WAR DEPARTMENT,
Washington, August 23, 1940.

Hon. CLYDE T. ELLIS,
House of Representatives.

DEAR MR. ELLIS: Receipt is acknowledged of your letter of August 20 calling attention to your statment on the floor of the House regarding the location of new production plants for the manufacture of munitions.

An important principle which we have been endeavoring to follow in the location of new munitions plants is that as far as practicable they shall be placed in interior locations, so as to minimize the risk of bombing attack. Another principle is that we should avoid, if possible, erecting munitions plants in areas already congested with manufacturing establishments essential to the national defense.

In locating the first plants under our program of construction the urgency of the requirements has placed these plants where the earliest possible production would be obtained. As the program proceeds, however, and the high priority plants have been located, the War Department will be able to adhere more closely to the above principles. The part of the program so far initiated is only a small portion of the total and it is therefore expected that interior areas will receive more and more consideration as the program develops.

You may be assured that the State of Arkansas and others in the Mississippi Valley will receive full consideration in locating new munitions plants under the defense program.

Sincerely yours,

HENRY L. STIMSON,
Secretary of War.

These able men recognize, and President Roosevelt recognizes, and every one of my 61 colleagues from these 9 States, Democrats and Republicans, recognize that the great, impregnable Middle West, hundreds of miles from any border line, rich in practically all the minerals of the land, rich in coal, oil, gas, and potential water power, home of the country's purest Anglo-Saxon blood, bread basket of the Nation, is our most unconquerable area, and hence the area that, if recognized, offers the greatest guaranty against a repetition of the battle of France.

Mr. CARLSON. Mr. Speaker, will the gentleman yield?

Mr. ELLIS. I yield.

Mr. CARLSON. I compliment the gentleman on his fight for some industrial defense expenditures for the Middle West. I assure the gentleman and the House that we of the Middle West are not asking for any special favors. All we want is recognition and consideration in this great national-defense program, and if we get some of the crumbs we shall be well satisfied.

Mr. ELLIS. I thank the gentleman.

Mr. JOHNSON of Oklahoma. Mr. Speaker, will the gentleman yield?

Mr. ELLIS. I yield.

Mr. JOHNSON of Oklahoma. I join in complimenting the gentleman on his very able presentation. May I not observe, however, that although the Secretary of War states in that splendid letter that he proposes to put these defense activities in the Middle West where they will not be vulnerable in time of emergency, yet it seems they go right on ignoring the Middle West.

Mr. ELLIS. I thank the gentleman, but we hope that is only temporary.

"Hillbillies?" Yes, to the gentleman from Pennsylvania [Mr. McDOWELL], but true and unselfish Americans. We have spilled our blood on the battlefields of every war in which the liberties and ideals that we cherish and the democracy that we love were imperiled. For half a century we have suffered the discrimination which I strive to end and the ridicule which you stoop to perpetuate.

"Contributor of verse and humor!" "Assailed," "accused," "defamed"; castigator of "Ozark hillbillies"; authority on "delirium tremens."—the gentleman's rhapsody on the Middle West. [Applause.]

[Here the gavel fell.]

PERMISSION TO ADDRESS THE HOUSE

The SPEAKER pro tempore. Does the gentleman from New York [Mr. DICKSTEIN] seek recognition?

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent that the time allotted to me on Tuesday of next week be reallotted to me on Wednesday.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

EXTENSION OF REMARKS

Mr. H. CARL ANDERSEN asked and was given permission to revise and extend his own remarks.

Mr. HINSHAW. Mr. Speaker, on Monday last I was given unanimous consent to insert two articles in the RECORD. It happens they are longer than the rule allows. I have obtained an estimate from the printer, and now ask unanimous consent that they may be inserted in the RECORD.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. THORKELSON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include articles from the report of David Hirshfield, relating to books by Zaville Muzzey, Ph. D., Barnard College, Columbia University, and Everett Barnes, A. M.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. THORKELSON. Also, Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include articles from the report of David Hirshfield relating to books by Willis Mason West, sometime professor of history and head of the department in the University of Minnesota; and also resolutions of patriotic organizations, such as the Daughters of the American Revolution and the Veterans of Foreign Wars.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. KEEFE (at the request of Mr. MURRAY), indefinitely, on account of death in family.

SENATE ENROLLED BILLS SIGNED

The SPEAKER pro tempore announced his signature to enrolled bills of the Senate of the following titles:

S. 2009. An act to amend the act to regulate commerce, approved February 4, 1887, as amended, so as to provide for unified regulation of carriers by railroad, motor vehicle, and water, and for other purposes.

S. 4008. An act to authorize the Reconstruction Finance Corporation to make loans for the development of deposits of strategic and critical minerals which in the opinion of the Corporation would be of value to the United States in time of war, and to authorize the Reconstruction Finance Corporation to make more adequate loans for mineral developmental purposes.

ADJOURNMENT

Mr. COOPER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 26 minutes p. m.) the House adjourned until tomorrow, Thursday, September 12, 1940, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1937. A letter from the Chairman, Securities and Exchange Commission, transmitting section I of chapter VI of part 3 of the Commission's over-all report on the study of investment trusts and investment companies made pursuant to section 30 of the Public Utility Holding Company Act of 1935 (H. Doc. No. 279); to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

1938. A letter from the Secretary of War, transmitting a request for the amendment of H. R. 10321; to the Committee on Military Affairs.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CASE of South Dakota:

H. R. 10494. A bill to exchange certain lands within the boundaries of the Mount Rushmore National Memorial for certain lands in the Harney National Forest, State of South Dakota; to the Committee on the Public Lands.

By Mr. ANDREWS:

H. R. 10495. A bill to amend section 61 of the National Defense Act of June 3, 1916, by adding a proviso which will permit States to organize military units not a part of the National Guard, and for other purposes; to the Committee on Military Affairs.

By Mr. HARRINGTON:

H. R. 10496. A bill to provide for necessary facilities for the District of Columbia National Guard Air Corps Squadron; to the Committee on Interstate and Foreign Commerce.

By Mr. BLAND:

H. Res. 598. Resolution for the consideration of H. R. 9581; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. McLAUGHLIN:

H. R. 10497. A bill to make George D. Kahn eligible for naturalization; to the Committee on Immigration and Naturalization.

By Mr. O'TOOLE:

H. R. 10498. A bill for the relief of Alfred Rosenfeld, his wife, Emilie Christiane (Emily), and their sons, Hans Heinrich (Henry) and Ferdinand Andreas (Andrew); to the Committee on Immigration and Naturalization.

By Mr. PETERSON of Florida:

H. R. 10499. A bill for the relief of William E. Trapnell; to the Committee on Claims.

By Mr. REED of New York:

H. R. 10500. A bill granting an increase of pension to Zaida M. Secor; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

9292. By Mr. GREGORY: Petition of W. Fred Duff, chairman of Jackson Harris Post, No. 1191, Veterans of Foreign Wars, Paducah, Ky., recommending the delivery to England of the 50 destroyers; to the Committee on Military Affairs.

9293. By the SPEAKER: Petition of the International Lions Club of Dawson, Tex., petitioning consideration of their resolution with reference to the national-defense program; to the Committee on Military Affairs.

SENATE

THURSDAY, SEPTEMBER 12, 1940

(Legislative day of Monday, August 5, 1940)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

Almighty God, before whom all things created are even as the dust. Thou art hidden behind the curtain of sense; Thou art mysterious in Thine almighty power, and incomprehensible in Thy greatness; yet we are privileged to call Thee Father. Thou dost keep within Thy grasp the threads of each day's life, and, because it is Thy spirit that stirs within our spirit's inmost room, we know all will be well.

Make this a day of spiritual joy and peace as we commit our lives into Thine own keeping. Do Thou control our thoughts and feelings, direct our energies, instruct our minds, sustain our wills, and make our hands skillful to serve Thee, our feet swift to walk Thy ways. Help us to keep our eyes fixed upon Thine everlasting beauty, and do Thou touch our lips with live coals from off Thine altar, making them eloquent in testimony to Thy love. And since it is Thou, O Blessed One, who dost appoint our lot, we beseech Thee to make this day's work to have a share in the upbuilding of the kingdom of our Lord and Saviour, Jesus Christ, in whose name and for whose sake our fervent prayers are said. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day of Wednesday, September 11, 1940, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Latta, one of his secretaries.

CALL OF THE ROLL

Mr. BARKLEY. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Davis	La Follette	Russell
Andrews	Downey	Lee	Schwartz
Ashurst	Ellender	Lucas	Schwellenbach
Austin	George	McCarran	Sheppard
Bailey	Gerry	McKellar	Smathers
Barkley	Gibson	Maloney	Stewart
Bilbo	Gillette	Mead	Taft
Bridges	Green	Miller	Thomas, Idaho
Brown	Guffey	Minton	Thomas, Okla.
Bulow	Gurney	Murray	Thomas, Utah
Burke	Hale	Neely	Townsend
Byrd	Harrison	Norris	Truman
Byrnes	Hatch	Nye	Tydings
Capper	Hayden	O'Mahoney	Vandenberg
Caraway	Herring	Overton	Van Nuys
Chandler	Hill	Pepper	Wagner
Clark, Idaho	Hughes	Pittman	Walsh
Clark, Mo.	Johnson, Calif.	Radcliffe	Wheeler
Connally	Johnson, Colo.	Reed	White
Danaher	King	Reynolds	Wiley

Mr. MINTON. I announce that the Senator from Washington [Mr. BONE] and the Senator from West Virginia [Mr. HOLT] are absent because of illness.

The Senator from Alabama [Mr. BANKHEAD], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Ohio [Mr. DONAHEY], the Senator from Virginia [Mr. GLASS], the Senator from Illinois [Mr. SLATTERY], and the Senator from South Carolina [Mr. SMITH] are necessarily absent.

Mr. AUSTIN. The Senator from Oregon [Mr. HOLMAN] is absent on public business.

The Senator from Oregon [Mr. MCNARY], the Senator from North Dakota [Mr. FRAZIER], the Senator from New Hampshire [Mr. TOBEY], and the Senator from Minnesota [Mr. SHIPSTEAD] are unavoidably absent.

The PRESIDENT pro tempore. Eighty Senators have answered to their names. A quorum is present.

CORPORATION INCOME AND EXCESS-PROFITS TAXATION—REPORT OF COMMITTEE ON FINANCE DURING RECESS

Under authority of the order of the 11th instant,

Mr. HARRISON (during recess of the Senate), from the Committee on Finance, to which was referred the bill (H. R. 10413) to provide revenue, and for other purposes, reported it with amendments and submitted a report (No. 2114) thereon.

PETITIONS AND MEMORIALS

Mr. VANDENBERG presented a petition of sundry citizens of Benton Harbor, Mich., praying that the United States may keep out of war, which was referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of the State of Michigan, praying that the United States may keep out of foreign war, and also for the adoption of adequate na-